

# Banaadir Academy



## 2020 & 21 HANDBOOK

An MTCS K-12 School





Welcome to the 2020-2021 School year at  
Banaadir Academy, 5-12  
and  
MTCS | K-12 Academic Community

The Minnesota Transitions Charter School's core purpose is to empower each student and ensure that all students acquire the skills and knowledge necessary to experience success in their future.

Minnesota Transitions Charter School is a student-centered learning community that inspires and supports all learners to achieve excellence through equitable, relevant learning experiences.

#### MTCS Core Values

- Be Respectful
- Be Responsible
- Appreciate and Celebrate Diversity
- Have Integrity
- Have Compassion for Others

#### Banaadir Academy 5-12 Mission Statement

The mission of Banaadir Academy is to enable each student to become a responsible, competent, and prepared lifelong learner, as well as a conscientious citizen.

#### Goals of Banaadir Academy

- Develop positive self-esteem and interpersonal relationships
- Continue building academic competencies and critical thinking skills
- Practice problem solving and decision making
- Explore their aptitudes, interests, and creative abilities
- Develop a sense of responsibility to themselves, their home and their community



## Banaadir Academy 5-12

Grades K-4

1201 Bryant Ave, N.

Minneapolis, MN 55411

Main Office: 612-326-7200

Fax: 612-521-4007

MTCS: 612-722-9013

Transportation: 612-695 5017

[banaadirelementary@emailmtcs.org](mailto:banaadirelementary@emailmtcs.org)

School Hours: 8:00 am-3:00 pm

Office Hours: 7:30 am-4:00 pm

Please Note: Students will be allowed in the building at 7:45 am. Students who are not under the supervision of an adult are asked to leave the building promptly after dismissal. Teachers have meetings both before and after school and are not available to supervise students.



## A Note from the Directors of Banaadir Academy

Dear Banaadir Families and Students,

Welcome to the 2020-2021 school year! We are excited for the school year to begin. This calendar/handbook has been created for you to have a deeper understanding of Banaadir Academy, and answer many of your questions.

The calendar is here for your convenience, so that you can plan and prepare for upcoming events during the school year. As you will see, some dates are already included, but there will be many more that will be added as the year goes on.

Here at Banaadir Academy, 5-12, we welcome and value your input into your child's education. Our work is a shared responsibility that is built upon academic outcomes through healthy relationships and trust. We look forward to getting to know you and your child/children.

If there is anything that we can do for you or your family, please do not hesitate to stop in and see us, connect with a phone call or send an email. We have an open door policy, which means, "All Are Welcome!"

Here's to a successful 2020-2021 school year!

Sincerely,

Joe Hutchins  
Director Banaadir Academy  
jhutchins@emailmtcs.org

Andrea Miller  
Principal, Banaadir Academy  
amiller@emailmtcs.org



## A Note from Our Superintendent

Dear Families and Students,

It is always exciting when a new school year begins, and all of us have the opportunity for a fresh start. This year has even more reason to feel grateful, whether we meet in classrooms, or continue Distance Learning, we are so glad to be back together in whatever way we are able. We continue to adapt and grow to meet the needs of all of our students however and wherever we are learning together.

We welcome new students, staff, programs and renewed energy toward making school positive, where success is both encouraged and supported. We will do everything we can to make our school community of 8 unique programs the very best it can be for all in our MTCS community.

There are many ways to get information about Minnesota Transitions Charter School (MTCS) and your selected program. This handbook provides a guide for navigating school culture. It tells all of us what we can and cannot do, how we get some things done and where we get more information. Students and parents/guardians are encouraged to use this handbook as a guide.

You may also find what you need on our website ([mtcs.org](http://mtcs.org)), by following us on social media, directly contacting or visiting your program, or by calling the MTCS office at (612)-722-9013. Please don't hesitate to ask for help. Our students and families are our number one priority.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Erlandson".

*Brian Erlandson*

*Superintendent*

[berlandson@emailmtcs.org](mailto:berlandson@emailmtcs.org)



## School Leadership/Contact Information

### **Joe Hutchins**

Director of Banaadir Academy

[jhutchins@emailmtcs.org](mailto:jhutchins@emailmtcs.org)

### **Andrea Miller**

Principal, Banaadir Academy

[amiller@emailmtcs.org](mailto:amiller@emailmtcs.org)

### **Liban Dalmar**

Somali Family Liaison

[ldalmar@emailmtcs.org](mailto:ldalmar@emailmtcs.org)

### **Fowzia Mohamed**

Somali Family Liaison

[fowzia.mohamed@emailmtcs.org](mailto:fowzia.mohamed@emailmtcs.org)



## I Am RESPECTFUL · I Am RESPONSIBLE · I Am SAFE

### **Achievement**

MTCS recognizes that daily attendance is critical to academic achievement. It is our goal to work with students, families and communities to support regular school attendance and improve academic achievement. Students that attend school consistently have a greater chance of excelling academically.

### **Communication**

Communication is an important part of every relationship, including school and home.

Banaadir Academy will communicate with families in multiple ways:

### **Remind**

Remind is the official messaging platform for Banaadir Academy. Remind is a messaging system that allows the sending of messages via SMS, in app notifications, or email and phone calls to members of MTS Elementary, without revealing personal contact information. As our school and district wide messaging system, Remind will be used to send a variety of important communications throughout the school year.

### **Social Media**

Follow MTCS to hear about the exciting things happening in our K-12 Academic Community and at MTS Secondary, Powell Leadership Academy and Banaadir Academy Math & Science. You can find and follow the social media channels from the home page of your school website.

### **Website**

The website is a good resource for families, the greater community and staff. You may look under **MTCS K-12 Academic Community** and select your program, or you may go directly to your school at: [mtssecondary.org](http://mtssecondary.org) or [powellacademy.org](http://powellacademy.org). Bookmark the website for easier access.

Included on the site the listing of all staff members and instructional supervisors, department phone numbers, email addresses, student activities information, general calendar and online versions of student publications.



## Conferences, Report Cards, Student Progress

In addition to receiving daily and weekly work, you have opportunities during the school year to learn of your child's progress through the form of parent teacher conferences and student report cards.

Conferences: Twice a year, you will have the opportunity to meet with your child's teacher during parent/teacher conferences. Please check the calendar for these dates. You are encouraged to request a conference at any other time you feel there is need. You may email, leave a voicemail or send a note for your child's teacher to schedule this additional time. The teacher will set the conference at a mutually convenient time.

Report Cards: Report cards will be completed and sent home four times this school year. If you have questions regarding your child's report card, please contact your child's teacher.

Grade Access: Parents will have access to their students grades through the Skyward Grade portal. This can be set up through the dean of academics. Call for more information 612-326-7200.

### **Address, Email and Phone Changes**

Parents are requested to inform the office of any student address, phone or email changes. The office will route this information to all persons' who work with your student. This includes the health office staff, teachers, attendance, social worker and transportation.

### **Attendance**

Minnesota law requires all children and youth, beginning at age seven, to be at school every day on time. Minnesota Transitions Charter School (MTCS) believes that regular school attendance is directly related to success in academic work, benefits students socially by building relationships, provides opportunities for important communications between students and teachers, and establishes regular habits of dependability and responsibility important to the future of the student. Being present in the classroom provides students the ability to ask for clarification, engage in meaningful discussions, and take notes and maintain their coursework.

### **Student Responsibility**

- It is your right to be in school. It is your responsibility to make sure that you are in school on time, to every



- class, every day. If you are absent, it is your responsibility to communicate with all your teachers and obtain any missing work. Students generally have two days per day of absence in which to turn in make-up work.
- First period begins at 9 am, which means that you are in your assigned area and ready to learn at that time.
- To ensure your safety, once you enter the doors of MTS, you may not leave. If you need items for your day, you MUST obtain them prior to entering the building for the day. If you leave and then attempt to return, we will be notifying your parent/guardian.
- If you are going to be tardy to school, you MUST provide a note from a parent/guardian or they need to contact the main office in order for the absence to be excused. If you are 18 years of age or older, it is your responsibility to provide the appropriate documentation to excuse your absences.

### **Parent/Guardian Responsibility**

- It is your responsibility to encourage and ensure the student is attending school every day, to inform the school in the event of a student's past and/or upcoming absence, and to work cooperatively with the school and the student to solve any attendance issues that may arise. Please notify us as soon as possible. You may call and or leave a message 24/7 as it is checked each morning school is in session.
- If your child is out ill for two or more days in one week, a note from a doctor is required in order for it to be excused. We offer health services two days a week here at school as well.
- If a student is absent from class for any reason and has not cleared the absence with the Attendance Team, you will receive an automated phone call at home to alert you that they have been marked absent. The information relayed by the automatic dialer is not necessarily a complete or accurate representation of the student's attendance activity, but a reminder that the absence has yet to be cleared. Detailed attendance information is available for both students and parents to review through the Skyward Student Portal. If a student has been marked absent by mistake, please contact us to clarify.

### **Teacher, Staff and Administration Responsibility**

- It is the teacher's responsibility to take attendance daily for EACH class they teach to maintain accurate attendance records, to provide any student who has been absent with any missing assignments upon request, and work collaboratively with the student and/or the parent/guardian to solve any attendance problems that may arise.
- It is also each staff member's responsibility to be familiar with all the procedures regarding attendance and to apply these procedures uniformly. All staff are responsible



for promoting healthy relationships to help foster students' connection to school by welcoming them to the building upon their arrival.

## Types of Absences

A. Excused Absences: To be excused, the student's parent/guardian must provide a note in writing, call and leave a message, or email the reason for the student's absence. Reasons EXCUSED will be as follows:

- School-sponsored curricular and curricular activities;
- Official religious holidays;
- Death or funeral of an immediate family member (parent, stepparent, guardian, sibling, grandparent) or close friend;
- Unique or emergency circumstances (related to family, natural disaster etc) which are authorized (or, whenever possible, pre-authorized) by a school administrator;
- Chronic or long-term illnesses which are verified by a doctor's signed statement and authorized by a school administrator;
- Authorized appointments with school personnel;
- Military deployment of a family member or student;
- In-school suspension, out-of-school suspension
- Illness (if gone for two or more days in a week, a Dr.'s note is required)
- Serious illness in the student's immediate family;
- Medical, dental, or mental health appointments that cannot be made outside of school time. If it needs to be during the school day, please arrange for the appointment to be right away in the morning or later in the afternoon to respect the student and teacher's time in the classroom.
- School Bus Transportation-If the school bus arrives late or did not show entirely, you must report this to the transportation company AND the School as soon as possible to address the issue.
- Court appearances occasioned by family or personal action
- College field trips-MUST be Pre-Approved
- Absences related to homelessness approved by Homeless Liaison
- Pre-authorized, pre-planned absences of one day or more. This must be arranged prior (preferably at least one week) to the absence in order to be verified.

B. Unexcused Absences: Unexcused absences occur when a student chooses to be absent from school without school approval, the school has not been notified by a parent/guardian, or the student's absence is not valid. Reasons that are UNEXCUSED:

- Truancy: An absence by a student not approved by the parent and/or school



- Doing school work at home
- Working at their job, including family owned businesses (unless have an approved work contract on file with the school)
- Vacations with family
- Shopping
- Absences resulting from accumulated unexcused tardies (Four tardies equal one unexcused absence)

C. Tardies: are defined as being late to class without an excused pass.

The student is expected to be in their assigned area at the conclusion of the bell, each class period. Students arriving tardy to class will be marked accordingly unless they arrive with a written excuse from a staff member. Being punctual is an important habit to develop to promote responsibility and independence. Students who are tardy to class miss valuable instruction and cause disruption in their class. Consequences such as lunch or after school detention may be assigned. Again, four tardies equal one unexcused absence.

### **Procedures to Improve Attendance**

MTCS utilizes Hennepin County Attendance Laws as the majority of our student populations reside there. If your student does not reside in Hennepin County, we will consult with the appropriate county.

Step 1: At any point in the school year, any staff member may meet with the student and/or contact the parent/guardian to discuss a student's attendance. However, the formal process begins once a student reaches *3 unexcused absences*, including non-consecutively and only tardies, and a member of the Attendance Improvement Team has met with the student. This meeting may include, but not limited to:

- Explain the attendance policy to the student;
- Provide the student with their attendance report;
- Talking with the student to learn barriers to getting to school on time everyday;
- Create an agreement between the staff member, teachers, the student, and the parent;
- Notify the parent and obtain input regarding their role in supporting the student's attendance in school.
- Provide the agreement to necessary people in order to provide support to the student.



Step 2: If the student continues to be truant from school and reaches *5 unexcused absences*, notification of the absences will be communicated to the student's parent/guardian by mail. At this time, a meeting with the student and their parent/guardian will also be requested.

Step 3: If the student continues to be truant from school and reaches *9 unexcused absences*, the student will be referred to the Hennepin County Attorney's Office Be@School Program. The Hennepin County Attorney's Office will contact the parent/guardian directing them to attend a Parent Group Meeting (PGM). At the PGM, a be@school representative will explain compulsory school attendance laws and consequences of continued unexcused absences, the benefits of education, and the services available to assist families. Some families will be assigned to a Contracted Community Agency (CCA) at this time. The CCA will provide direct services to assist the family in getting the child to school and refer the family to other services needed to remove attendance barriers.

Step 4: If the student continues to be truant from school and reaches 12 unexcused absences, the second referral will be made to the Hennepin County Attorney's Office. All families will be directed by mail to contact their assigned CCA worker and begin case management services. Some families will be directed to attend a School Team Attendance Review (STAR) meeting. The STAR meeting will be attended by the parent(s), the student (12 – 17 years), a be@school representative, the CCA worker, and if available, a school representative. The goal of the STAR meeting is to create a detailed plan to resolve barriers which negatively impact the student's attendance.

Step 5: If the student continues to be truant from school and reaches 15 unexcused absences, the third referral will be made to the Hennepin County Attorney's Office. If the student continues to miss school after the third report, the County Attorney's Office will consult for a possible petition filer in juvenile court. The court hearing will focus on services and sanctions that promote attendance and educational success for the student (e.g., tutoring, credit recovery, mentoring, etc.). Parent involvement will be actively pursued. If multiple interventions have been attempted and the child becomes an older truant, services may no longer be offered.

If a student has unexcused absences for 50% of the class time, the administration may impose a loss of academic credit in the class(es) from which the student has been absent. However, prior to the loss of credit, a meeting must occur with the academic dean, member of the attendance improvement team, student and parent/guardian.



## Resources

Main Office/Attendance: 612-326-7200

Transportation: 612-695-5017

Secondary Email: [banaadiracademy@emailmtcs.org](mailto:banaadiracademy@emailmtcs.org)

Attendance Improvement Team Coordinators:

Liban Dalmer and Fowzia Mohamed

Homeless Liaison

Courtney Stenseth

[cstenseth@emailmtcs.org](mailto:cstenseth@emailmtcs.org)

School Social Worker:

Hennepin County Be@School Website (found at [hennepinattorney.org](http://hennepinattorney.org)):

[hennepinattorney.org/prevention/students-youth/be-at-school](http://hennepinattorney.org/prevention/students-youth/be-at-school)

## B's for Success

Be on time to school and class.

Be prepared to learn and participate in the educational process

Be responsible for following the rules and knowing the expectations of MTS, PLA & BM&S

Be respectful of all students regardless of race, gender, religion or beliefs

Be willing to try new things, even when challenging

Be a friend to someone

## Illness During the School Day

Students becoming ill during the school day have access to and services available at the school office. Any student leaving school during the day due to illness must be excused by the office or a parent/guardian through the front office. Friends will not be excused to transport students.

For additional information refer to School Board Policy \*\*\* on the school district website or in the school office.



## **Meals**

Lunch will be provided by CKC Foods. Their philosophy goes hand in hand to our commitment to provide the best learning environment for our students.

Your children can expect the following:

Meals prepared using no pork products, with no pork onsite and at a separate time from other programs. Menu selections include one hot entrée per day and one hot breakfast item per week.

## **Dress Code**

All students must be appropriately dressed for school. This includes but is not limited to the following:

- Covered from mid-thigh to top of chest in non-see-through-material
- No clothing referring to illegal drugs or alcohol
- No clothing with inappropriate language or messages
- The administrative team has the right to evaluate any clothing to determine its acceptability within the guidelines of the dress code

Students will be given the option to wear school provided clothing. If there is a failure to comply, students may be subject to further disciplinary action.

## **Electronic Device | Cell Phone Policy**

Personal electronic devices include all electronic communication and entertainment devices that can be used by a student that includes cell phones, cameras, music players, calculators, electronic games, video players, computers, and personal digital assistants. PEDs may be used during passing time or in classrooms with teacher permission, or in the commons during study time.

Electronic use should NOT disrupt the school environment, promote inappropriate behavior or violate rights to privacy (this includes staff and students). Cell phones should be turned off and remain in the student's locker or backpack during class time.

Appropriate electronic device use looks like, but not limited to:

- Use before or after school, passing time and during lunch
- Approved classroom use



Inappropriate electronic device use looks like, but not limited to:

- Unapproved use in classroom
- Recording and/or photographing students or staff
- Promotion of incidents through recording and/or photographing
- Posting of videos and/or photographs

If there is a failure to comply with the classroom requirement, students will be asked to hand in phone to a member of the administrative team. Continued violation will result in disciplinary action and a cell phone contract between the student and the dean of students.

### **Parent Communication via Cell Phones**

Please refrain from contacting your child during school day. If you need to get in touch with your child due to an emergency, please contact our office at 612-326-7200.

Items and messages brought to school for students during school hours are to be brought to the office. Please do not deliver them to the classroom, as this interferes with the continuity of the learning process.

### **Computer Use/Copyright Policies**

Computers are provided for student use at several locations. Students are advised that "computer hacking," use of the computers to duplicate copyrighted materials or other inappropriate use may result in losing access to the machines and/or referral to authorities. Faculty and administrative computers are off limits to students. MTS Secondary School provides students with a district assigned email. All email messages sent and received by students are archived and retained per legal statutory requirements. The district reserves the right to revoke a student's email account at any time due to inappropriate use.

### **Food Service: Breakfast And Lunch Program**

We are proud partners with CKC Good Food for healthy and nutritious food. Their philosophy goes hand in hand to our commitment to provide the best learning environment for our students.

At MTS, PLA and Banaadir, your children can expect the following:

- Meals prepared at their Plymouth kitchen using no pork products, with no pork onsite and at a separate time from other programs
- Meals delivered hot
- Fresh fruit and vegetable bar provided,
- Menu selections include one hot entrée per day and one hot breakfast item per week



Breakfast will be served each school day. Students may not leave campus to get lunch, as we are a closed campus. Parents may drop off lunch for students as long as it does not interrupt class time. If brought during a class, it will be kept at the front desk until the student has lunch period.

**STUDENTS MAY NOT ORDER FOOD FROM A RESTAURANT  
AND HAVE IT DELIVERED TO SCHOOL.**

### **Graduation Requirements**

Students are required to have 64.5 semester credits for graduation (4 years). 16 credits are granted for successfully completing all courses that meet each day for a school year, 8 credits are granted for a semester course. PLEASE NOTE: There is no community service graduation requirement.

Minnesota students are required to complete the following requirements by the time they graduate. (Minnesota Statutes, section 120B.024).

Language Arts	12 credits
Mathematics	9 credits
Science	9 credits
Social Studies	10.5 credits

### **Homebound Instruction**

Students who are absent for 10 consecutive days due to an illness or medical condition are eligible for homebound instruction. Authorization from a physician must be on file requesting the same. All requests for homebound instruction are to be directed to the Joe Hutchins or Andrea Miller 612-722-9013 and can be initiated before the time lines are in effect.

### **Health Care**

Immunizations: Minnesota laws require proof of immunizations for all school children. Parents are asked to provide immunization records upon school registration. If you have questions regarding immunization requirements, contact your health care provider or school health office staff.

Illness and injury at school: If your child becomes ill while in school, school personnel need to be able to contact you. We will not release ill students to go home without contacting a parent



or guardian. All school-related accidents (including extracurricular and out-of-town activities) should be reported to the office. Accident reports are kept on file for significant injuries.

**Illness at home:** Students should stay home from school when they have a fever of 100.0 degrees or higher, if they are vomiting or they have diarrhea. Students should stay home for 24 hours after symptoms resolve. If your student is diagnosed with a condition and you are wondering if he or she can attend school, please contact the health office directly for guidance.

**Medication:** No prescription medication will be administered by school personnel without written authorization from the parents/guardians and signed doctor's orders. All over-the-counter medication (including Tylenol, Ibuprofen, nasal spray, eye drops, etc.) requires parental signatures on the medication request form part of the student application. Medication request forms are available in the health office or with the medication policy on the district website. All medicine must be in the original bottle with the appropriate label, and the student's name should be on it. If at all possible, medication should be given at home.

### **Lockers**

Each student will be given a locker and combination. They will be held responsible for the condition of the locker assigned to them. All lockers are school property and loaned for student use. As school property, lockers are subject to search by school officials. Please do not use any locker that has not been assigned to you and do not give your combination to a friend. Students may only use school issued locks on their lockers.

### **Pass Policy**

Students will be expected to stay in class for its entirety, and will be expected to use their passing time for their restroom break. Passes will not be granted during the first and last 10 minutes of a class period.

### **School Safety | Emergency Policy**

Promoting a safe environment is a high priority at MTCS programs. All students will participate in multiple fire drills and lockdown drills throughout the year, and it is important they are taken with the utmost seriousness. As always in promoting a safe school, "If you see something, say something."

### **Transportation**

For the 2020-2021 school year, MTS will provide a school bus for students in grades 7 through 10 and living in the Minneapolis area. Students in grades 11 and 12 will receive a Student Go-To Card through Metro Transit.



## **MTCS School Bus**

Transportation (buses, cars, vans) is an extension of the school day. Transportation consequences may be superseded by the District policy. A transportation driver has the authority to assign seats. The Minnesota Transitions Charter Schools sexual/racial/religious harassment policy and weapons policy will be strictly enforced on the bus as well as at school

Have a safe trip on the bus!

1. Stay out of the "Danger Zones" outside the bus.
2. Follow driver's instructions.
3. Be on time.
4. Always SIT DOWN.
5. Be courteous. No fighting, swearing or yelling.
6. No EATING or DRINKING.
7. Keep your bus clean. Do not damage the bus.
8. Keep your head and arms inside the bus windows.
9. No pets or dangerous objects.

## **MTCS Transportation Policy**

Riding a school bus is a privilege, not a right. To help ensure the safety of students, transportation employees and other motorists, students are expected to abide by all student behavior rules outlined in board policy and reviewed in this handbook, and by the additional transportation safety rules reviewed in the following chart. Video cameras are used on some school buses, and students' conversations and actions may be recorded on video/audio tape. The use of video cameras is intended to decrease student misbehavior and allow safe bus operation for students, drivers and other motorists.

While riding in a district vehicle, in accordance with state law, students shall not transport gasoline, animals or any other dangerous or objectionable objects, except for animals specifically trained to assist people who are blind or have other disabilities. Students are allowed to bring other items on the bus that can be held on the student's lap or at his/her seat in a safe manner as long as it does not displace another student. Items such as skateboards, roller blades, ice skates, bats, etc. are allowed on the bus when stored in an appropriate bag/container so as to prevent injury to bus passengers. Items that are longer than 39 inches (the height of the bus seat back) are prohibited without approval from the Transportation Department. Students who violate these or other district policies and regulations while riding in a district vehicle or at a school bus



stop will be disciplined in accordance with student behavior rules outlined in board policy and reviewed in this handbook and may be denied transportation privileges in addition to the consequences listed on the Bus Behavior Offense Chart located on the MTCS.org Website.

*\*Student conferences and parent/guardian notification; may include, but is not limited to, parent conference, restitution, detention, one day suspension from the bus and up to one day out-of-school suspension.*

To ensure on-time arrival at schools, students are expected to be present to the bus stop 10 minutes prior to the scheduled pick-up time. The bus driver is responsible for maintaining appropriate student behavior on the bus and is authorized to assign students to specific seats. Once students board the bus they must remain on the bus until they have reached their school or designated stop. The driver will report students who violate the rules to the student's school principal or the Transportation Department student conduct specialist.

If a student's transportation privileges are denied because of the student's misbehavior, the student's parent(s) or guardian(s) will be responsible for transporting the student to and from school. Any student who is issued a citation trespassing them from a school property will lose their bus riding privileges to/from that property. (Student behavior policies will be adjusted – as required by federal and state laws and regulations – for special education students who have individual education plans [IEPs].)

Minnesota Statute 121A.59 states: "Transportation by school bus is a privilege, not a right, for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under the Individuals with Disabilities Education Act, United States Code, title 20, section 1400 et seq., section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794, and the Americans with Disabilities Act, Public Law Number 101-336, are governed by these provisions."

### **MTS Metro Go-To Card Program**

A Go-To Card is a pre-paid fare card that allows for unlimited rides on city buses and light rail to and from school instead of riding the traditional yellow school bus. The cards can be used after school hours for other student activities.

- Students may also use their Go-To Cards for extracurricular activities before and after school hours. It offers students scheduling flexibility and access to a wide variety of learning opportunities in the community.



- Students will have more opportunities to remain at school for academic programs, sports and other activities beyond the regular school day.
- The program supports improved student attendance and retention.
- For more information go to the district website [mtcs.org](http://mtcs.org) (Transportation)

### Receiving Go-To Card

Staff will be available to assist with route planning when students pick-up their Go To Card Pass the week prior to school starting. Students will need to go to the MTS Secondary school the week prior to school starting to pick-up their Student Go-To Card and student ID. At this time, students and parents will be asked to review and sign the transportation code of conduct. Metro Transit is adding and adjusting routes and times to better serve students. Routes can be planned.

### Visitors

For the safety of the students at MTS Secondary, Powell Leadership and Banaadir Math & Science, we ask that ALL parents sign in at the office when on campus for volunteering purposes.

To ensure minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the principal. If a conference is desired, an appointment should be set with the teacher during non-instructional time. The following resources are available to any parent who wishes to know how his/her child is doing in school:

- Parent-teacher conferences
- Back To School/Registration Night
- Guidance counselor connection
- Skyward School Data System
- Report cards, progress reports
- Meetings with the principal

All are expected to sign in and out at the main office and get a visitor's badge.

### Vocational Opportunities Annual Notification

The schools offer a variety of vocational opportunities through the Business Education, Industrial Technology and Family and Consumer Science Departments. The purpose of this notice is to inform students, parents, employees and the general public that these opportunities are offered regardless of race, color, national origin, sex or disability. Admission in the specific courses is determined by grade level, and in some cases, completion of prerequisite courses. The district has designated the following individuals to coordinate compliance with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments Act of 1972.



Section 504 Coordinator  
Erin Copeland  
2872 26th Avenue South  
Minneapolis, Mn 55406  
952-843-9084

Alternative School 504 Coordinator  
Lisa Jaroslowski  
ljaroslowski@emailmtcs.org

Alternative School Title IX Coordinator  
Andrea Miller  
amiller@emailmtcs.org

### **Weather Information**

Occasionally the Superintendent of Schools will announce an emergency school early dismissal, late start or cancellation of school due to extreme heat, cold, snow or ice. As soon as the decision to close schools is made, an announcement will be made on the district website and all local radio and television stations Please listen to one of the following:

WCCO AM 830 • KSTP TV CHANNEL 5 • KBEM FM 88.5 • KMSP TV CHANNEL 9  
WCCO TV CHANNEL 4 • KARE TV CHANNEL 11

If the weather is severe, but not impassable, we ask that you use your own judgment about sending your child to school. Age of the child and special health concerns should be considered. If the weather conditions outside become treacherous buses may run late. Please make sure your child is dressed with appropriate outside attire. If you need support in accessing winter weather items for your child/children, please contact the school social worker.

### **Crisis Management**

MTCS (Minnesota Transitions Charter Schools) and MTS Secondary School, Powell Leadership Academy have a crisis management plan to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation in the school. For additional information refer to School Board Policy \*\*\* on the school district website or in the school office.



2872 26<sup>th</sup> Ave., S. Minneapolis, MN. 55406 (612)722-9013

## PART TWO: 2020/21 Minnesota Transitions Student Handbook

### Overview of Student Policies and Procedures

(visit [MTCS.org/policies](https://www.mtcs.org/policies) for the most current policies)

Here are some important policies that you and your child should review. We expect that all MTCS students will do their best to follow these policies and expectations. Sign off in an agreement to follow these policies and procedures is necessary. Some policies listed are shown in summary and others in entirety. **Complete policies can be found at [mtcs.org](https://www.mtcs.org).**

**Policy 419 (Tobacco-Free Environment):** "Smoking or use of tobacco, tobacco-related devices, or electronic cigarettes is prohibited. This prohibition extends to all facilities whether owned, rented or leased and all vehicles that MTCS owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes. The prohibition includes all MTCS property and all off-campus events sponsored by MTCS.

**Policy 503 (Student Attendance):** The purpose of this policy is to encourage regular school attendance. It recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher, and administrators.

**Policy 506 (Student Discipline):** In view of the need for a safe, orderly and respectful environment at MTCS Schools and in accordance with Minn. Stat. § 121A.55, the MTCS Board, with the participation of MTCS 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 MTCS.

**Policy 515 (Student Directory and Privacy of Student Records):** The following "directory" information refers to 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 email address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, honors and awards received, and the most recent educational agency or institution attended. MTCS may disclose directory information from the education records of a student and information regarding parents without prior consent of the parent of the student or eligible student, unless notified their intent to refuse to allow such disclosure. If you wish to disallow sharing of this information, a form is provided with this handbook.

**Policy 520 (Student Surveys):** Occasionally, Minnesota Transitions Charter School (MTCS) utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to

establish the parameters of information that may be sought in student surveys. Student surveys may be conducted as determined necessary by MTCS. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h. MTCS must give parents the opportunity to review the survey and to opt their students out of participating in the survey.

**Policy 534 (Unpaid Meal Charges):** The purpose of this policy is to ensure that students receive healthy and nutritious meals through Minnesota Transitions Charter School's (MTCS) nutrition program and that MTCS employees, families, and students have a shared understanding of expectations regarding meal charges. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day and minimize identification of students with insufficient funds to pay for school meals as well as to maintain the financial integrity of the school nutrition program.

**Policy 502 (Search of Lockers):** At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

**Policy 524 (Acceptable Use):**

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

Internet Use, Electronic And Audiovisual Publications

Computing facilities, local area networks and/or Internet access are available to students and teachers at MTS Elementary. Our goal is to provide opportunities for the Banaadir/Leadership Academy community to gain the technological skills necessary to have access to people and information beyond our campus and to further use this knowledge to design create and display student work outside the boundaries of the classroom.

MTCS Computer and Audiovisual Facilities

Computer facilities for students and staff are located in the library, computer labs, classrooms and offices. These facilities exist to enhance the educational programs we offer. With the availability of desktop and publishing facilities in the computer labs, we also have the opportunity to produce and publish student work through electronic and audiovisual media.

The Internet and Telecommunications

The smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided here so that you may become aware of the responsibilities you are about to acquire. In general this requires efficient, ethical and legal utilization of

the network resources. If a user violates any of these provisions, his/her Internet access privileges will be revoked.

Transmission of any material that is in violation of federal or state law/regulation is prohibited. This includes, but is not limited to, annoying, libelous, threatening or obscene material and material protected by trade secret. Users shall respect all U.S. copyright laws and licensing agreements pertaining to material entered into and obtained via the system. Users shall make proper citations and not plagiarize any sources. MTCS also prohibits transmitting of pornography, unethical or illegal solicitation, and sexually explicit or inappropriate language/graphics/audio segments. Hate mail, harassment, discriminatory remarks, other antisocial behaviors, and chain letters are prohibited on the network.

Students and parents/guardians will be required to agree to the terms of the complete Acceptable Use Policy (mtcs.org) before using computers or other internet capable devices at school.

**Policy 413 (Harassment) [Minn. Stat. § 121A.03]:**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

A. The policy of MTCS is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability. MTCS prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

B. A violation of this policy occurs when any student, teacher, administrator, or other MTCS personnel harasses a student, teacher, administrator, or other MTCS personnel or group of students, teachers, administrators, or other MTCS personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, as defined by this policy. (For purposes of this policy, MTCS personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)

C. A violation of this policy occurs when any student, teacher, administrator, or other MTCS personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other MTCS personnel or group of students, teachers, administrators, or other MTCS personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

D. MTCS will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other MTCS personnel who is found to have violated this policy.

E. Because there are multiple, overlapping laws governing MTCS's response to allegations of sexual harassment, all allegations of sexual harassment are subject to Policy 522.

### III. DEFINITIONS

A. "Assault" is:

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

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

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

#### D. Protected Classifications; Definitions

1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- a. has a physical or mental impairment which substantially limits one or more major life activities;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

2. "Familial status" means the condition of one or more minors being domiciled with:

- a. their parent or parents or the minor's legal guardian; or
- b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

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

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

6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

"Sexual orientation" does not include a physical or sexual attachment to children by an adult.

7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Violence; Definition

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

G. Violence; Definition

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

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression or disability by a student, teacher, administrator, or other MTCS personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other MTCS personnel or group of students, teachers, administrators, or other MTCS personnel should report the alleged acts immediately to an appropriate MTCS official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, MTCS may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. MTCS encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the MTCS office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a MTCS human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the MTCS human rights officer by the reporting party or complainant.
- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult MTCS personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the MTCS human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the MTCS human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward

it to the human rights officer. Failure to forward any harassment or violence report or complaint as \ provided herein may result in disciplinary action against the building report taker.

G. In the MTCS. MTCS hereby designates Brian Erlandson, Superintendent, 2872 26<sup>th</sup> Ave. S., Minneapolis, MN 55406, (612) 722-9013, berlandson@emailmtcs.org, as the MTCS human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the Building Principal or Supervisor.

H. MTCS shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.

I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

J. Use of formal reporting forms is not mandatory.

K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

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

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

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

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

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

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

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

## **V. INVESTIGATION**

A. By authority of MTCS, the human rights officer, within three (3) days of the receipt of a report or

complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by MTCS officials or by a third party designated by MTCS.

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, MTCS 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, MTCS may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other MTCS personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.

E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

F. The investigation will be completed as soon as practicable. The MTCS human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. MTCS ACTION**

A. Upon completion of an investigation that determines a violation of this policy has occurred, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. MTCS action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable MTCS policies and regulations.

B. MTCS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MTCS. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, MTCS shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address

the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

**VII. RETALIATION OR REPRISAL**

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

**VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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

**IX. HARASSMENT OR VIOLENCE AS ABUSE**

- 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 MTCS from taking immediate action to protect victims of alleged harassment, violence, or abuse.

**X. DISSEMINATION OF POLICY AND TRAINING**

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

**Policy 514 (Bullying) [Minn. Stat. § 121A.031]:**

**I. PURPOSE**

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

## II. GENERAL STATEMENT OF POLICY

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on MTCS property, at school functions or activities, or on school transportation. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of MTCS or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off MTCS property and/or with or without the use of MTCS resources.

B. No teacher, administrator, volunteer, contractor, or other employee of MTCS shall permit, condone, or tolerate bullying.

C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.

D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

E. False accusations or reports of bullying against another student are prohibited.

F. A student who engages in an act of bullying, reprisal, retaliation, or knowingly making a false report of bullying shall be subject to discipline or other remedial responses for that act in accordance with MTCS's policies and procedures, including MTCS's discipline policy. A teacher, administrator, volunteer, contractor, or other employee of MTCS who permits, condones, or tolerates bullying or engages in an act of reprisal, retaliation, or knowingly making a false report of bullying shall be subject to disciplinary action. MTCS may take into account the following factors:

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

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

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

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

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

### III. DEFINITIONS

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

A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term, "bullying," specifically includes cyberbullying as defined in this policy.

B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on MTCS property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

C. "Immediately" means as soon as possible but in no event longer than one school day.

D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:

1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status,

socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

E. "On school premises, on MTCS property, at school functions or activities, or on school transportation" means all MTCS buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for MTCS purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. MTCS property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, MTCS does not represent that it will provide supervision or assume liability at these locations and events.

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

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

H. "Student" means a student enrolled in MTCS.

#### IV. REPORTING PROCEDURE

A. Any student who believes he or she has been the target or victim of bullying should report the alleged acts immediately to an appropriate MTCS official designated by this policy. A person may report bullying anonymously. However, MTCS may not rely solely on an anonymous report to determine discipline or other remedial responses. Any teacher, administrator, volunteer, contractor, or other employee of MTCS with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate MTCS official.

B. MTCS encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the MTCS office, but oral reports shall be considered complaints as well.

C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a MTCS human rights officer or the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the MTCS human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by MTCS shall be responsible for the investigation. The building report taker shall provide

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

D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. MTCS personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.

E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

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

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

#### V. MTCS ACTION

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

B. The building report taker or other appropriate MTCS officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.

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

D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. MTCS action taken for violation of this policy will be consistent with the

requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy and other applicable MTCS policies; and applicable regulations.

E. MTCS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MTCS. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.

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

#### VI. RETALIATION OR REPRISAL

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

#### VII. TRAINING AND EDUCATION

A. MTCS shall discuss this policy with school personnel and volunteers and provide appropriate training to MTCS personnel regarding this policy. MTCS shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with MTCS. MTCS or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

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

1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
4. The incidence and nature of cyberbullying; and
5. Internet safety and cyberbullying.

C. MTCS annually will provide education and information to students regarding bullying, including information regarding this MTCS policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

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

E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students. The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

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

#### VIII. NOTICE

A. MTCS will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.

B. This policy or a summary thereof must be conspicuously posted in the administrative offices of MTCS and the office of each school.

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

D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.

E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on MTCS's or a school's website.

F. MTCS shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

#### IX. POLICY REVIEW

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

**Policy 526 (Hazing) [Minn. Stat. § 121A.69]**

I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of Minnesota Transitions Charter School (MTCS) and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

A. No student, teacher, administrator, volunteer, contractor, or other employee of MTCS shall plan, direct, encourage, aid, or engage in hazing.

B. No teacher, administrator, volunteer, contractor, or other employee of MTCS shall permit, condone, or tolerate hazing.

C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.

D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.

E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.

F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with MTCS's policies and procedures.

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

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

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

G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.

H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.

I. MTCS 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 MTCS who is found to have violated this policy.

### III. DEFINITIONS

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

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.
2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of MTCS policies or regulations.

B. "Immediately" means as soon as possible but in no event longer than 24 hours.

C. "On school premises or MTCS property, or at school functions or activities, or on school transportation" means all MTCS buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for MTCS purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. MTCS property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, MTCS does not represent that it will provide supervision or assume liability at these locations and events.

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

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

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

### IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to

an appropriate MTCS official designated by this policy. A person may report hazing anonymously. However, MTCS may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. MTCS encourages the reporting party to use the report form available from the principal/director of each building or available from the MTCS main office, but oral reports shall be considered complaints as well. The building principal/director, the principal/director's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult school personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a MTCS human rights officer or to the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the MTCS human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

C. A teacher, administrator, volunteer, contractor, and other school employees shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. MTCS personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.

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

E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.

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

#### V. MTCS ACTION

A. Within three (3) school days of the receipt of a complaint or report of hazing, MTCS shall undertake or authorize an investigation by MTCS officials or a third party designated by MTCS.

B. The building report taker or other appropriate MTCS officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited by this policy.

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

D. Upon completion of an investigation that determines hazing has occurred, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. MTCS action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable MTCS policies and regulations.

E. MTCS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MTCS. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.

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

#### VI. RETALIATION OR REPRISAL

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

#### VII. DISSEMINATION OF POLICY

A. This policy shall appear in each school's student handbook and in each school's building and staff handbooks.

B. MTCS will develop a method of discussing this policy with students and employees.

#### **Policy 531 (Pledge of Allegiance) [Minn. Stat. § 121A.11]:**

##### I. PURPOSE

The Minnesota Transitions Charter School (MTCS) Board 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.

##### II. GENERAL STATEMENT OF POLICY

Students in MTCS 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 principal or other person having administrative control over the school.

### III. 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. This statement allowing students to elect to not participate shall be included in the student handbook.

### IV. INSTRUCTION

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

**Minnesota Statute 120B.31, Subdivision 4a** (student participation) requires school districts to provide notice to parents or guardians of their option to refuse to have their students take the statewide assessments. The Commissioner of the Minnesota Department of Education (MDE) has developed a form for parents to use to exercise this option.

**Minn. Stat. § 121A.30** (Pesticide application at school) Should MTCS plan to apply a pesticide which in a toxicity category, we will provide notice no later than September 15 of each school year during which pesticides are planned to be applied and will inform parents that an estimated schedule of applications of pesticides listed in subdivision 2 is available for review or copying at the school offices, and that a parent may receive prior notice of each application if specifically requested.

## 522 SEX NONDISCRIMINATION POLICY, TITLE IX GRIEVANCE PROCEDURE AND PROCESS

### I. GENERAL STATEMENT OF POLICY

- A. Minnesota Transitions Charter School ("MTCS") prohibits discrimination on the basis of sex in all forms, including sexual harassment.
- B. MTCS does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. MTCS is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment

### II. SEX DISCRIMINATION COMPLAINTS NOT INVOLVING SEXUAL HARASSMENT

Complaints of sex discrimination that do not constitute sexual harassment, as defined below, or retaliation from making a complaint of sexual harassment, should be reported to the building principal or building supervisor. The building principal or supervisor is then responsible for notifying MTCS's Title IX Coordinator of the complaint. If a complaint involves the building principal or supervisor, it should be reported directly to the Title IX Coordinator. The Title IX

Coordinator will ensure an investigation is completed in accordance with the requirements of applicable MTCS policies. The District's Title IX Coordinators are Annemarie Lanning and Tamlee Berndtson. The Title IX Coordinators' contact information is:

**Annemarie Lanning**, HR and Finance Support

Email: [alanning@schoolmanagementservices.org](mailto:alanning@schoolmanagementservices.org)  
[hr@emailmtcs.org](mailto:hr@emailmtcs.org)  
Phone: 612-722-9013

Minnesota Transitions Charter School  
2872 26th Avenue South  
Minneapolis, MN 55406

**Tamlee Berndtson**, Marss and HR Assistant

Email: [tberndtson@emailmtcs.org](mailto:tberndtson@emailmtcs.org)  
[hr@emailmtcs.org](mailto:hr@emailmtcs.org)  
Phone: 612-235-5663

Minnesota Transitions Charter School  
2872 26th Avenue South  
Minneapolis, MN 55406

### III. GENERAL POLICY PROHIBITING SEXUAL HARASSMENT

- A. MTCS prohibits sexual harassment that occurs within its education programs and activities. When MTCS has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- B. This policy applies to sexual harassment that occurs within MTCS's education programs and activities. This policy does not apply to sexual harassment that occurs outside the scope of MTCS's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in MTCS's education programs or activities
- C. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. MTCS's Title IX Coordinator(s) is/are:

**Annemarie Lanning**

Email: [alanning@schoolmanagementservices.org](mailto:alanning@schoolmanagementservices.org)  
[hr@emailmtcs.org](mailto:hr@emailmtcs.org)  
Phone: 612-722-9013

Minnesota Transitions Charter School  
2872 26th Avenue South  
Minneapolis, MN 55406

**Tamlee Berndtson**

Email: [tberndtson@emailmtcs.org](mailto:tberndtson@emailmtcs.org)

hr@emailmtcs.org  
Phone: 612-235-5663

Minnesota Transitions Charter School  
2872 26th Avenue South  
Minneapolis, MN 55406

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both

D. The effective date of this policy is August 14, 2020, and it applies to alleged violations of this policy occurring on or after August 14, 2020.

#### **IV. DEFINITIONS**

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to MTCS's Title IX Coordinator or to any employee of MTCS. This standard is not met when the only official of MTCS with actual knowledge is the respondent.

B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.

C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that MTCS office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. MTCS is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

E. "Education program or activity" means locations, events, or circumstances over which MTCS exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and includes MTCS education programs or activities that occur on or off of MTCS property.

F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that MTCS investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of MTCS with which the formal complaint is filed.

3. A parent or guardian of a child younger than 18 years old may file a formal complaint on behalf of their child.

G. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

H. "Relevant questions" and "relevant evidence" are questions, documents, statements, physical items, or information that are related to the allegations raised in a formal complaint and have any tendency to make the allegations more or less likely to be true. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions or evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

I. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible for sexual harassment. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

K. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a MTCS education program or activity and is committed against a person in the United States:

1. *Quid pro quo* harassment by a MTCS employee (conditioning the provision of an aid, benefit, or service of MTCS on an individual's participation in unwelcome sexual conduct);
2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

L. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work or school locations, leaves of absence, increased security and monitoring of certain areas of MTCS buildings or property, and other similar measures.

M. "Title IX Personnel" means any person who addresses, works on, or assists with MTCS's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. "Title IX Coordinator" means an employee of MTCS that is designated and authorized to coordinate MTCS's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker in that formal complaint. The Investigator may be a MTCS employee, MTCS official, or a third party designated by MTCS.
3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker in that formal complaint. The Decision-maker may be an administrator, supervisor, or other individual qualified to determine and impose appropriate remedies if a determination of responsibility is made.
4. "Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker in that formal complaint. The Appellate Decision-maker may be a MTCS employee, or a third party designated by MTCS.
5. "Informal resolution facilitator" means a person who facilitates the informal resolution process if desired by the parties. The Informal resolution facilitator may be the Title IX Coordinator, but may not be the Investigator, Decision-maker or Appellate Decision-maker in the formal complaint proposed for informal resolution.
6. The superintendent of MTCS may delegate functions assigned to a specific MTCS employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. MTCS may also, in its discretion, appoint suitably qualified persons who are not MTCS employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator.

## V. REPORTING PROHIBITED CONDUCT

A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment should report the alleged acts as soon as possible to the Title IX Coordinator.

B. Any employee of MTCS who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.

C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, MTCS may report the alleged conduct to law enforcement authorities. MTCS encourages complainants to report criminal behavior to the police immediately.

## **VI. RETALIATION PROHIBITED**

A. Neither MTCS nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

B. Any person may submit a report or formal complaint alleging retaliation to the Title IX Coordinator in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment.

C. Charging an individual with violation of MTCS policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **VII. DISSEMINATION OF POLICY**

A. This policy shall be made available to all students, parents/guardians of students, MTCS employees, and employee unions.

B. MTCS shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

C. MTCS must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with MTCS, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that MTCS does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
4. Notice of MTCS's grievance procedures and grievance process referenced in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how MTCS will respond.

#### **VIII. RECORDKEEPING**

A. MTCS must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, MTCS must document:

1. The basis for MTCS's conclusion that its response to the report or formal complaint was not deliberately indifferent;
2. The measures MTCS has taken that are designed to restore or preserve equal access to MTCS's education program or activity; and
3. If MTCS does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. MTCS must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

#### **IX. APPLICATION OF LAWS OTHER THAN TITLE IX**

A. If a formal complaint is dismissed because the allegations, if true, would not constitute sexual harassment as described above or if a Decision-maker or Appellate decision-maker makes a determination that a respondent is not responsible for sexual harassment under these procedures, the Title IX Coordinator will consider whether the alleged conduct may constitute a violation of one or both of the alternative definitions below. If an investigation has already been conducted, the Title IX

Coordinator may review the investigation to determine whether prohibited sexual harassment has occurred. If the Title IX Coordinator concludes that it has, the Title IX Coordinator shall report those findings to the Decision-maker and the Decision-maker shall impose or recommend remedies. If no investigation has taken place, the complaint shall be investigated consistent with Policy 103.

#### B. Alternative Definitions of Sexual Harassment

##### i. Minnesota Human Rights Act (Applicable to Employees and Students)

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;
- (2) 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
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment, or educational environment.

##### ii. Title VII (Applicable to Employees)

“Sexual harassment” mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### **X. GRIEVANCE PROCEDURE AND PROCESS**

The grievance procedure and process adopted by MTCS shall be included with the Policy as an addendum, and may be reviewed and revised as deemed appropriate by MTCS.

## **Title IX Grievance Procedure and Process Addendum to Policy 522**

### **I. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS**

#### A. Equitable Treatment

1. MTCS shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.

2. MTCS will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. MTCS will provide appropriate remedies to the complainant when a determination of responsibility for sexual harassment has been made against a respondent.

#### B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

#### D. Confidentiality

To the extent permitted by governing law and regulations, MTCS will not release private educational or personnel data about complainants, respondents, witnesses, allegations of sexual harassment, investigations, decisions, dismissals, and/or findings of responsibility. However, MTCS's obligations under the implementing regulations for Title IX may require disclosure of certain private educational or personnel data to other parties and/or witnesses.

#### E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly during any phase of the grievance process. An advisor to a complainant or respondent may prepare written submissions on behalf of the party.

#### F. Notice

MTCS will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided so as to allow sufficient time for the party to prepare to participate.

#### G. Consolidation

MTCS may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### H. Evidence

1. During the grievance process, MTCS will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. MTCS shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless MTCS obtains the party's

voluntary, written consent.

#### I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon MTCS and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when MTCS employees are respondents.

#### J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by MTCS within five (5) calendar days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by MTCS.
4. MTCS will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by MTCS.
5. Although MTCS strives to adhere to the timelines described above, in each case, MTCS may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening MTCS holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

#### K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that MTCS may provide a complainant and disciplinary sanctions that MTCS might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in transportation, changes in work locations, leaves of absence, monitoring of certain areas of MTCS buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will impose or recommend appropriate remedies, including disciplinary sanctions/consequences. The discipline of a student-respondent must comply with the applicable provisions of Policy 506 – Student Discipline, the Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

## **II. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's

wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filling a formal complaint .

B. MTCS will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. MTCS must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair MTCS's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C.If the complainant does not wish to file a formal complaint, the allegations will not be investigated by MTCS unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation against the complainant's wishes is not clearly unreasonable in light of the known circumstances.

D.Upon receipt of a formal complaint, MTCS must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of Policy 522 and this Grievance Procedures document.

### **III. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT**

#### **A. Emergency Removal of a Student**

1. MTCS may remove a student-respondent from an education program or activity of MTCS on an emergency basis before a determination regarding responsibility is made if:
  - a. MTCS undertakes an individualized safety and risk analysis;
  - b. MTCS determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
  - c. If MTCS determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related MTCS policies, including Policy 506 – Student Discipline. MTCS must take into consideration applicable requirements of the

Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

## **B. Employee Administrative Leave**

MTCS may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. MTCS must take into consideration applicable requirements of any applicable collective bargaining agreement or individual contract, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

## **IV. INFORMAL RESOLUTION OF A FORMAL COMPLAINT**

A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by MTCS at MTCS's discretion, but only after a formal complaint has been received by MTCS.

B. MTCS may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

C. The informal resolution process may not be used to resolve allegations that a MTCS employee sexually harassed a student.

D. MTCS will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent to participate in the informal resolution process. MTCS will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

## **V. DISMISSAL OF A FORMAL COMPLAINT**

A. Under federal law, MTCS must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven;
2. Did not occur in MTCS's education program or activity; or
3. Did not occur against a person in the United States.

B. MTCS may, in its discretion, dismiss a formal complaint or allegations therein if:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
2. The respondent is no longer enrolled or employed by MTCS; or
3. Specific circumstances prevent MTCS from gathering sufficient evidence to reach a determination.

C. MTCS shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal and grounds upon which an appeal may be made.

D. Dismissal of a formal complaint or a portion thereof does not preclude MTCS from addressing the underlying conduct in any manner that MTCS deems appropriate, including an investigation pursuant to other MTCS policies.

## **VI. INVESTIGATION OF A FORMAL COMPLAINT**

A. If a formal complaint is received by MTCS, MTCS will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

B. If during the course of the investigation MTCS decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, MTCS must provide notice of the additional allegations to the known parties.

C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which MTCS does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The investigative report may include recommended findings of fact and conclusions. MTCS will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

## **VII. DETERMINATION REGARDING RESPONSIBILITY**

A. After MTCS has sent the investigative report to both parties and before MTCS has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The time allowed for submitting questions and answers is at the discretion of the Decision-maker.

B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.

C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

D. When the exchange of questions and answers has concluded, and the parties have been provided at least ten days to review and submit a written response to the investigative report, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the

evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of MTCS's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions MTCS imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by MTCS to the complainant; and
6. MTCS's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

E. In determining appropriate disciplinary sanctions, the Decision-maker 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 incident occurred.

F. The written determination of responsibility must be provided to the parties simultaneously.

G. The Title IX Coordinator is responsible for the effective implementation of any remedies.

H. The determination regarding responsibility becomes final either on the date that MTCS provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **VIII. APPEALS**

A. MTCS shall offer the parties an opportunity to appeal a determination regarding responsibility or MTCS's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. If notice of an appeal is timely received by MTCS, MTCS will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

D. The written decision describing the result of the appeal must be provided simultaneously to the parties.

E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

[Note: The Governor’s Emergency Executive Order 20-81 generally requires Minnesotans to wear a face covering in certain settings and circumstances, including in various school settings. Emergency Executive Order 20-82 states that all Minnesota public schools must adhere to parameters determined by Minnesota Department of Health (“MDH”) in implementing or shifting between in-person learning, hybrid learning and distance learning. MDH’s Safe Learning Plan for 2020-21 and the 2020- 2021 Planning Guide for Schools requires school district and charter schools to develop and implement a face covering policy that is clearly posted and communicated to students, staff, families, and potential visitors to the school building. The provisions of this policy substantially reflect the requirements of the 2020-2021 Planning Guide for Schools, Executive Order 20-81, and Executive Order 20-82.]

## **I. PURPOSE**

The purpose of this policy is to establish requirements for employees, students, and other persons (including visitors, guests, contractors, etc.) present on school property to wear face coverings in classrooms, preschool, child care settings and other indoor areas, as well as outdoor areas where a physical distance of 6 feet cannot be maintained between persons, in order to minimize exposure to COVID-19.

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

A. The policy of the school district is to comply with Executive Order 20-81, Executive Order 20-82, and applicable face covering requirements from the Minnesota Department of Health and the Minnesota Department of Education.

B. Face coverings are meant to protect other people in case the wearer does not know they are infected.

C. Unless an exception described in Part IV below applies, all students, staff, and other people present indoors in school buildings and district offices or riding on school transportation vehicles are required to wear a face covering.

D. A violation of this policy occurs when any student, staff, or other person present in a school building, in the school district office, or on a school transportation vehicle fails to wear a face covering, unless an enumerated exception applies.

## **III. DEFINITION OF FACE COVERING**

A. A face covering must be worn to cover the nose and mouth completely, should not be overly tight or restrictive, and should feel comfortable to wear. The following are included in the definition of face covering:

1. Paper or disposable mask;
2. Cloth face mask;
3. Scarf;
4. Neck gaiter;
5. Bandana;
6. Religious face covering; and
7. Medical-grade masks and respirators

B. A face shield is a clear plastic barrier that covers the face and allows visibility of facial expressions and lip movements for speech perception. A face shield should extend below the chin anteriorly, to the ears laterally, and there should be no exposed gap between the forehead and the shield’s headpiece.

C. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

#### **IV. EXCEPTIONS AND ALTERNATIVES; TEMPORARY REMOVAL OF FACE COVERING**

A. Face coverings should not be placed on anyone under age 2, anyone who has trouble breathing or is unconscious, anyone who is incapacitated or otherwise unable to remove the face covering without assistance, or anyone who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition.

B. A face shield may be used as an alternative to a face covering in the following situations:

1. A student in grades kindergarten through eighth grade may wear a face shield when wearing a face covering is problematic.
2. A teacher of any grade level may wear a face shield when wearing a face covering may impede the educational process.
3. Staff, students, or visitors who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition may wear a face shield instead of a face covering.
4. Staff providing direct support student services may wear a face shield instead of a face covering when a face covering would impede the service being provided.

C. Staff, students, and other people present in school buildings or in district offices may temporarily remove their face covering or face shield in the following situations:

1. When engaging in classes or activities conducted outdoors, though people participating in these activities should maintain six feet of distance to the extent possible;
2. When engaging in indoor physical activity where the level of exertion makes wearing a face covering difficult, though people participating in these activities should maintain six feet of distance to the extent possible;
3. During activities, such as swimming or showering, where the face covering will get wet;
4. While receiving a service, including nursing, medical, or personal care services, that cannot be performed or is difficult to perform when the individual receiving the service is wearing a face covering;
5. Pre-kindergarten students age 5 years and younger participating in programming in a school building or district office;
6. When the wearer needs to remove their face covering to eat or drink, though care should be taken to maintain as much space as possible between people while doing so;
7. During indoor practices or performances involving singing, acting, public speaking, or playing musical instruments where a face covering cannot be used while playing the instrument, though people participating in these activities should maintain six feet of distance to the extent possible;
8. When required by school staff for the purposes of identification;
9. Staff working alone in their offices, classrooms, vehicles, or job locations that have no person-to-person interaction;
10. Staff working in communal spaces that have barriers such as Plexiglas or cubicle walls between employees that are above face level; or
11. When communicating with a person who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with a face covering difficult, provided that social distancing is maintained to the extent possible.

#### **V. IMPLEMENTATION**

A. This policy will be conspicuously posted in each school building and administrative office and communicated to students, staff, families, and potential visitors to the school building.

- B. The school district will provide face coverings and/or face shields to employees and students. Employees and students may choose to wear their own face covering as long as it covers the nose and mouth. To the extent practicable, the school district will maintain an extra supply of face coverings for people who forget to bring their face covering.
- C. The school district will teach and reinforce the use of face coverings and/or face shields for students and staff throughout the school day, including on transportation vehicles, inside school buildings, and generally when on school grounds.
- D. Individuals who cannot tolerate a face covering due to a medical condition or disability related condition may be permitted to utilize alternative options such as a face shield or other reasonable accommodation. The Superintendent or designee shall have discretion to determine whether an employee, parent, or community member qualifies for a reasonable accommodation and the accommodation to be provided. For a student with a medical condition or disability, the student's education team (i.e. IEP team, Section 504 team, health plan team) will determine whether the student qualifies for a reasonable accommodation and the accommodation to be provided. As a condition to granting a reasonable accommodation, the school district may require an individual to provide a physician's note and/or other relevant information or with respect to the condition or circumstance. Requests for reasonable accommodations from the face covering requirement shall be assessed on a case-by-case basis in accordance with applicable federal and state law.
- E. All face coverings shall meet the requirements of applicable dress code policies and/or codes of conduct. To the extent the face covering requirements of this policy conflict with MSBA Model Policy 504 – Student Dress and Appearance, this Policy shall control.
- F. The school district will make available distance learning to its enrolled students who may be medically vulnerable or otherwise unwilling to return to in-person or hybrid learning.

#### **VI. ENFORCEMENT; CONSEQUENCES FOR NON-COMPLIANCE**

- A. In order to promote the health and safety of employees, students and members of the community, and make available a safe environment that is conducive to learning, compliance with this policy is necessary.
- B. Employees who fail or refuse to comply with this policy may be subject to discipline, as appropriate, up to and including the termination of employment.
- C. Students who fail or refuse to comply with this policy may be subject to discipline or removal from school property. Students unwilling to participate in in-person or hybrid learning in compliance with this policy will be offered distance learning.
- D. The school district may, in its discretion, report violators of this policy to law enforcement. Any individual who willfully violates Emergency Executive Order 20-81 or 20-82 is guilty of a petty misdemeanor and upon conviction must be punished by a fine not to exceed \$100. (NOTE: This does not apply to: (1) children younger than 14 years old; or (2) students 14 years old and older who are enrolled in a school identified in Paragraph 12 of Emergency Executive Order 20- 81, and who are on the premises of the school for educational purposes).

**For the most recent and updated Policies and Procedures**  
**All MTCS Policies can be found: [MTCS.org/policies](https://mtcs.org/policies)**

## Discipline Addendum

All students have the right to an excellent education. At MTCS we strive to maintain a safe learning environment. Students that consistently disrupt the learning environment or exhibit unsafe behaviors will be subject to discipline.

A suspension from school is: The student's right to education at the school is suspended (put on hold) for a period of time, typically 1-5 days.

An expulsion from school is: A school board decision to suspend the student from all MTS programs for a period of 12 months.

Events that may result in discipline including expulsion:

- Multiple suspensions
- Physical attack on a student or a teacher
- Harassment of any kind and terroristic threats
- Sexual Conduct
- Theft / Burglary
- Threatening Acts
- Arson
- Possession of ammunition, fireworks, explosives, alcohol, drugs, and/or weapons or items that look like or function as weapons

# Student Acknowledgement Form

## Student Handbook

I have received the 2019-2020 MTS Secondary Student Handbook. I acknowledge and will abide by the policies and guidelines defined in the handbook. I understand that violation of school policies and guidelines may result in disciplinary actions.

Student \_\_\_\_\_

Date \_\_\_\_\_

Parent \_\_\_\_\_

Date \_\_\_\_\_

## Publishing of Student's Achievements or Image

Occasionally the opportunity may arise for a student's achievements and/or image to be published in various venues (ex. school website, newsletter, etc.). Signing below authorizes the use of the student's works or image by Minnesota Transitions Charter School.

Parent \_\_\_\_\_

Date \_\_\_\_\_