

**SWAN RIVER MONTESSORI CHARTER SCHOOL**

**School Board Meeting**

**Board Packet**

**Tuesday, February 17, 2026 at 2:15 p.m.**

The school board will hold this meeting in person at Swan River Montessori Charter School at 503 Maple St. building.

**Meeting Agenda**

**I. CALL TO ORDER in 503 Kitchen at Swan River Montessori Charter School by \_\_\_\_\_ @\_\_\_\_\_ PM**

**II. ROLL CALL**

- a. Board Members Present:
- b. Board Members Absent:
- c. Other Attendees:
- d. Recording Minutes:

**III. REVIEW OF SRMCS MISSION AND VISION STATEMENTS**

The mission of Swan River Montessori Charter School is to provide a child-centered environment for self-directed and personalized learning in a small, community-based public school with an emphasis on the natural environment.

Swan River Montessori Charter School's vision is to employ an interdisciplinary approach to education by teaching the whole child (heart, mind, and soul). The Montessori learning environment is designed to foster this whole child approach by meeting the child's inherent needs of self-discovery, creativity, independence, and competence. Swan River Montessori Charter School will create a kind, respectful environment where each child has a sense of belonging. Learning at Swan River Montessori Charter School involves the student, the student's family, the teachers, and the larger community. Swan River supports family and community participation in each child's education by utilizing and appreciating community resources and the natural world as a learning environment.

**IV. MEETING AGENDA-** Motion to approve meeting agenda made by\_\_\_\_, Seconded by \_\_. Board Vote- all aye, motion carries

**V. PREVIOUS MEETING MINUTES-** Motion to approve 1.20.26 Board Meeting Minutes made by \_\_, Seconded by \_\_\_\_\_. Board Vote- all aye, motion carries

**VI. DECLARATION OF CONFLICTS-**

**VII. FINANCIAL REPORT**

At finance meeting the board discussed the following:

**FINANCIAL REPORT**

- a. Income Statement
  - 58% Percent of the fiscal year completed
  - 57% YTD revenue as a percent of budget based on the working budget.
  - 54% YTD expenses as a percent of budget based on the working budget.
  - \$893,722 Projected year end fund balance
  - 34% Projected ending fund balance as a % of expense budget

Bridget has no major concerns. We are financially doing well. 34% projected fund balance is really good!

- i. Pay and Salary

Pay Scale and Benefits- board discussed changes to the payscale and will bring to the February board meeting

FY26 Enrollment Numbers as of 2.17.26

- i. Charter School (K-6) = 171
- ii. Children's House (EC) = 10
- iii. Pupil Unit Actual/Budget = 171/165

Motion to approve December financials made by \_\_, Seconded by \_\_. Board Vote- all aye, motion carried

**VIII. ENVIRONMENTAL EDUCATION REPORT AS RELATED TO CONTRACTED GOALS-**

Oct- new EE goals  
Nov- EE check in  
Feb- EE check in  
May/June - EE goals scores

**IX. ACADEMIC PERFORMANCE REPORT AS RELATED TO CONTRACTED GOALS –**

Oct - MCA scores  
Nov- fall fastbridge  
Jan- NAEP test 4th grade only, mandated by MN Department of Education  
Feb-winter fastbridge  
May/June- spring fastbridge

**X. BOARD TRAINING**

**OW – Sounding Board - *Board Meeting Minutes: Clear, Useful, and Transparent***

**XI. DIRECTOR GOALS**

- a. Set date for Director Goals and Evaluation Committee- Wednesday, February 25, 2026 @2:15 pm in the 503 Building.

**XII. STRATEGIC PLANNING & GOAL SETTING**

**XIII. OLD BUSINESS-**

- i. 506 STUDENT DISCIPLINE-
- ii. 509 ADMISSION AND ENROLLMENT
- iii. 514 BULLYING PROHIBITION POLICY- tabled to February, waiting for guidance from MSBA
- iv. 515 PROTECTION AND PRIVACY OF PUPIL RECORDS- tabled to February
- v. 520 STUDENT SURVEYS- tabled to February
- vi. 521 STUDENT DISABILITY NONDISCRIMINATION- tabled to February
- vii. 522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS- tabled to February

**XIV. CONSENT AGENDA** - Motion to approve consent agenda consisting of the following revised policies with grammar and spelling revisions made by\_\_\_\_, Seconded by\_\_. Board Vote- Board Vote- all aye, motion carried

**XV. NEW BUSINESS**

a. Review next batch of 10 policies

- i. **524 INTERNET, TECHNOLOGY, AND CELL PHONE ACCEPTABLE USE AND SAFETY POLICY**
- ii. **524.5 PERSONAL ELECTRONIC COMMUNICATION DEVICES**
- iii. **526 HAZING PROHIBITION**
- iv. **531 THE PLEDGE OF ALLEGIANCE**
- v. **532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS**
- vi. **533 WELLNESS**
- vii. **534 SCHOOL MEALS POLICY**
- viii. **606.5 LIBRARY MATERIALS**
- ix. **609 RELIGION AND RELIGIOUS AND CULTURAL OBSERVANCES**
- x. **612.1 DEVELOPMENT OF PARENT AND FAMILY ENGAGEMENT POLICIES FOR TITLE I PROGRAMS**

**XVI. REVIEW OF NEXT MEETING AGENDA**

a. Date, Time & Location of next Finance Committee Meeting: Tuesday, March 10, 2026 at 2:15 PM

b. Date, Time & Location of next Board Meeting: Tuesday, March 17, 2026 at 2:15 PM

Upcoming Agenda Items- FY26

Old Business

New Business -

Next batch of 10 policies- approve/review

**XVII. MOTION TO ADJOURN** at \_\_\_\_ PM by \_\_, Seconded by\_\_. Board Vote- all aye, motion carried

# **SWAN RIVER MONTESSORI CHARTER SCHOOL**

## **School Board Meeting**

**Tuesday, January 20, 2026 at 2:15 p.m.**

The school board will hold this meeting in person at Swan River Montessori Charter School at 503 Maple St. building.

### **Meeting Agenda**

#### **I. CALL TO ORDER in 503 Kitchen at Swan River Montessori Charter School by \_Jana Evink @\_\_2:20\_PM**

#### **II. ROLL CALL**

- a. Board Members Present: Rick Freese, Jana Evink, Claire Belknap, Nicole Perez, Amy Savage, Julie Halvorson, Amy Jensen
- b. Board Members Absent: none
- c. Other Attendees: School Director Annette Vemuri
- d. Recording Minutes: Amy Jensen

#### **III. REVIEW OF SRMCS MISSION AND VISION STATEMENTS**

The mission of Swan River Montessori Charter School is to provide a child-centered environment for self-directed and personalized learning in a small, community-based public school with an emphasis on the natural environment.

Swan River Montessori Charter School's vision is to employ an interdisciplinary approach to education by teaching the whole child (heart, mind, and soul). The Montessori learning environment is designed to foster this whole child approach by meeting the child's inherent needs of self-discovery, creativity, independence, and competence. Swan River Montessori Charter School will create a kind, respectful environment where each child has a sense of belonging. Learning at Swan River Montessori Charter School involves the student, the student's family, the teachers, and the larger community. Swan River supports family and community participation in each child's education by utilizing and appreciating community resources and the natural world as a learning environment.

#### **IV. MEETING AGENDA- Motion to approve meeting agenda made by \_AS\_, Seconded by \_JH\_. Board Vote- all aye, motion carries**

#### **V. PREVIOUS MEETING MINUTES- Motion to approve 12.16.25 Board Meeting Minutes made by \_NP\_, Seconded by \_\_CB\_\_. Board Vote- all aye, motion carries**

#### **VI. DECLARATION OF CONFLICTS-**

#### **VII. FINANCIAL REPORT**

At finance meeting the board discussed the following:

##### **FINANCIAL REPORT**

Looking very healthy, even though doesn't have lease aid yet, should go through soon  
Working on revised budget, small adjustments to even things out

##### **Budget Revision**

- 1. Not a lot of changes in revenues. Compensatory revenue went down due to state funding. Lease aid increased with community center contacts and increased amount to building company. School library aid state funding got cut in more than half. We no longer qualify for Title I in FY 26. We got an increase in Title II for teacher training. These are all state wide funding and revenue changes. Overall, revenue in fund balances going up

about \$30,000. Read-a-thon money wasn't in yet and not reflected on future budget, going to put it in for around \$5,000.

2. Expenses. Admin benefits going up because work comp and hourly unemployment gets coded into there too. Increased building lease expense. Issues with bank pulling the higher incorrect amount for monthly payment. Special education moved some funding down to contracted services for about \$19,000. Expenses in all funds going up about \$135,000. Projecting a profit of about \$40,000

ii. Pay and Salary

1. Even this week we have had difficulty hiring due to pay and compensation being too low.
2. Initially thinking of increasing base salary by \$3,000 and hourly salary by \$2 to be more competitive. Bridget will run the numbers in a proposed FY27 budget so we can see concretely what that would look like and what changes we would need to make to afford it.

FY26 Enrollment Numbers as of 1.19.26

- i. Charter School (K-6) = 171
- ii. Children's House (EC) = 10
- iii. Pupil Unit Actual/Budget = 171/165

Motion to approve December financials made by \_RF\_, Seconded by \_AS\_. Board Vote- all aye, motion carried

Motion to approve Revised FY26 budget with correction for ADM made by \_AJ\_, Seconded by \_CB\_. Board Vote- all aye, motion carried

- a. Donations- Thrivent December \$300, Thrivent January \$498, Read-a-thon \$4851.20, Cargill \$1000, Monticello Lions \$500, Square Art \$31.02

Motion to approve donations totaling \_\_\_\_\$7149.20\_\_ made by CB, Seconded by AS. Board Vote- all aye, motion carried

**VIII. ENVIRONMENTAL EDUCATION REPORT AS RELATED TO CONTRACTED GOALS-**

Oct- new EE goals  
Nov- EE check in  
Feb- EE check in  
May/June - EE goals scores

**IX. ACADEMIC PERFORMANCE REPORT AS RELATED TO CONTRACTED GOALS –**

Oct - MCA scores  
Nov- fall fastbridge  
Jan- NAEP test 4th grade only, mandated by MN Department of Education  
Feb-winter fastbridge  
May/June- spring fastbridge

**X. BOARD TRAINING**

**XI. DIRECTOR GOALS**

- a. Set date for Director Goals and Evaluation Committee- Wednesday, February 25, 2026 @2:15 pm in the 503 Building.

## **XII. STRATEGIC PLANNING & GOAL SETTING**

## **XIII. OLD BUSINESS- see consent agenda below**

- XIV. CONSENT AGENDA** - Motion to approve consent agenda consisting of the following revised policies with grammar and spelling revisions made by \_\_CB\_\_, Seconded by \_\_RF. Board Vote- Board Vote- all aye, motion carried
- a. 410 FAMILY AND MEDICAL LEAVE POLICY
  - b. 406 PUBLIC AND PRIVATE PERSONNEL DATA
  - c. 401 EQUAL EMPLOYMENT OPPORTUNITY
  - d. 418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL
  - e. 420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES
  - f. 421 GIFTS TO EMPLOYEES AND CHARTER SCHOOL BOARD MEMBERS
  - g. 426 NEPOTISM POLICY
  - h. 502 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, AND STUDENT'S PERSON
  - i. 503 STUDENT ATTENDANCE- removed from consent agenda, moved to new business for discussion

## **XV. NEW BUSINESS**

- a. Review next batch of 10 policies
  - i. 506 STUDENT DISCIPLINE- tabled to February
  - ii. 507.5 SCHOOL RESOURCE OFFICERS- this policy does not pertain to SRMCS as we do not have a school resource officer. The school will not be adopting this policy.
  - iii. 509 ADMISSION AND ENROLLMENT- tabled to February
  - iv. 512 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES. Motion to approve with revisions made by JH, Seconded by CB. Board Vote- all aye, motion carried
  - v. 514 BULLYING PROHIBITION POLICY- tabled to February, waiting for guidance from MSBA
  - vi. 515 PROTECTION AND PRIVACY OF PUPIL RECORDS- tabled to February
  - vii. 516 STUDENT MEDICATION AND TELEHEALTH- Motion to approve with revisions made by JH, Seconded by CB. Board Vote- all aye, motion carried
  - viii. 520 STUDENT SURVEYS- tabled to February
  - ix. 521 STUDENT DISABILITY NONDISCRIMINATION- tabled to February
  - x. 522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS- tabled to February
  - xi. 503 STUDENT ATTENDANCE (removed to here from consent agenda)- Motion to approve with revisions made by RF, Seconded by CB. Board Vote- all aye, motion carried
- b. Parent Survey Results- board reviewed responses to the parent survey

## **XVI. REVIEW OF NEXT MEETING AGENDA**

- a. Date, Time & Location of next Finance Committee Meeting: Tuesday, February 10, 2026 at 2:15 PM
- b. Date, Time & Location of next Board Meeting: Tuesday, February 17, 2026 at 2:15 PM

Upcoming Agenda Items- FY26

Old Business

506 STUDENT DISCIPLINE

509 ADMISSION AND ENROLLMENT

514 BULLYING PROHIBITION POLICY

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

520 STUDENT SURVEYS

521 STUDENT DISABILITY NONDISCRIMINATION

522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

New Business -

Next batch of 10 policies- approve/review

**XVII. MOTION TO ADJOURN at \_\_\_4:109\_\_\_ PM by \_AJ\_, Seconded by \_NP\_. Board Vote- all aye, motion carried**



# Swan River Montessori Monthly Financials

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JANUARY 2026

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EdFinMN

FINANCE AND ACCOUNTING SERVICES FOR CHARTER  
SCHOOL AND EDUCATION SUPPORT ORGANIZATIONS

# Swan River Montessori Financial Highlights

JANUARY 2026

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## Balance Sheet:

The School's balance sheet reflects the school's liquid assets and liabilities. The primary focus of the balance sheet is the cash balance and any material liabilities. Additionally, attention should be paid to the amount of the YTD state hold back. The highlights from the balance sheet are:

- \$966,226 Cash balance at end of the month
- \$88,829 State receivables which represents an initial estimate for the beginning of the accrual for the current year hold back
- \$7,108 State receivables which represents the remaining amount due to the school from the state 10% holdback of the prior school year
- \$93,894 Salary and benefits payables estimated. This is for summer salaries as of month-end.

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## Income Statement

The focus of the school's income statement is to monitor the ongoing revenues and expenses of the various programs. A monthly review of the actual spent vs. budget as well as taking into consideration the percentage of the fiscal year completed is imperative. Yet, also understanding how each individual line-item functions will help the overall analysis. The highlights from the income statement are:

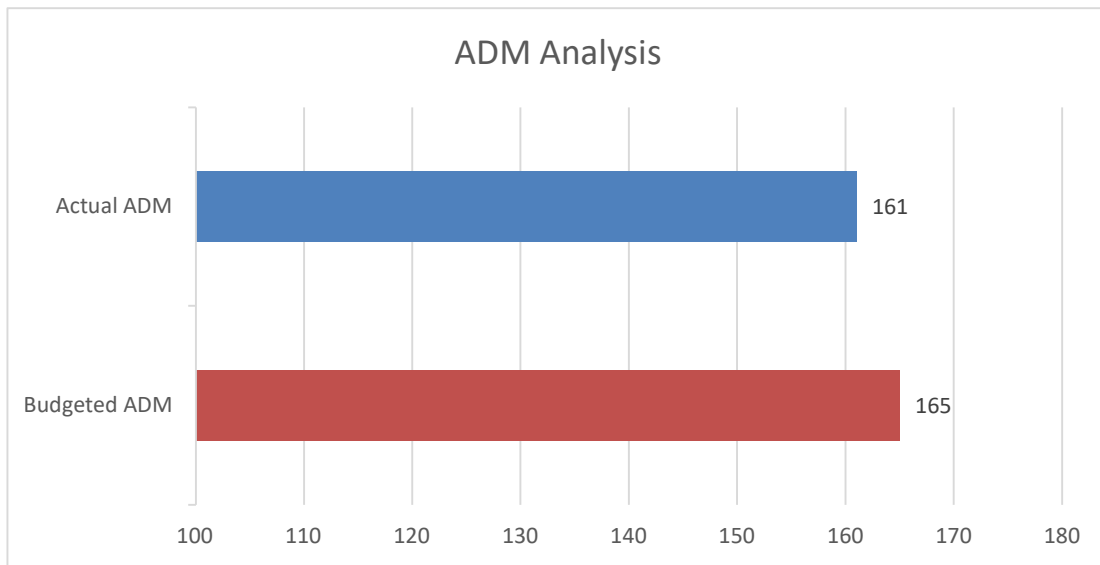
- Adopted Budget: 165 ADM
- Revised Budget: 165 ADM
- Actual ADM 161
- 58% Percent of the fiscal year completed
- 57% YTD revenue as a percent of budget based on the working budget.
- 54% YTD expenses as a percent of budget based on the working budget.
- \$893,722 Projected year end fund balance
- 34% Projected ending fund balance as a % of expense budget

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## Cash Flow:

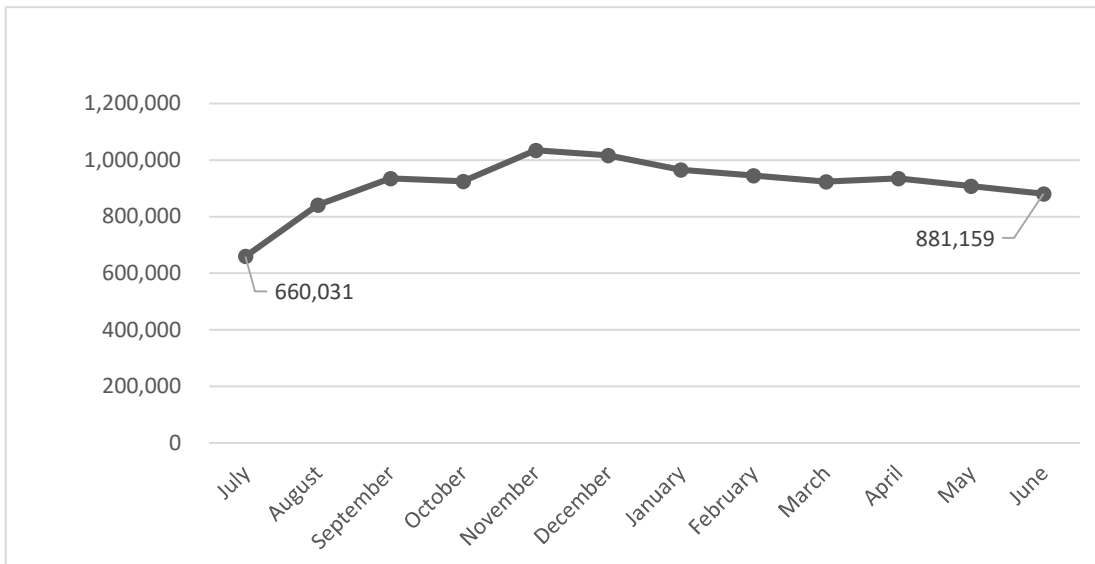
- Estimated cash balance as of June 30, 2026  
\$ 881,159
- Days cash on hand projected as of June 30, 2026  
132

## Enrollment/ADM's



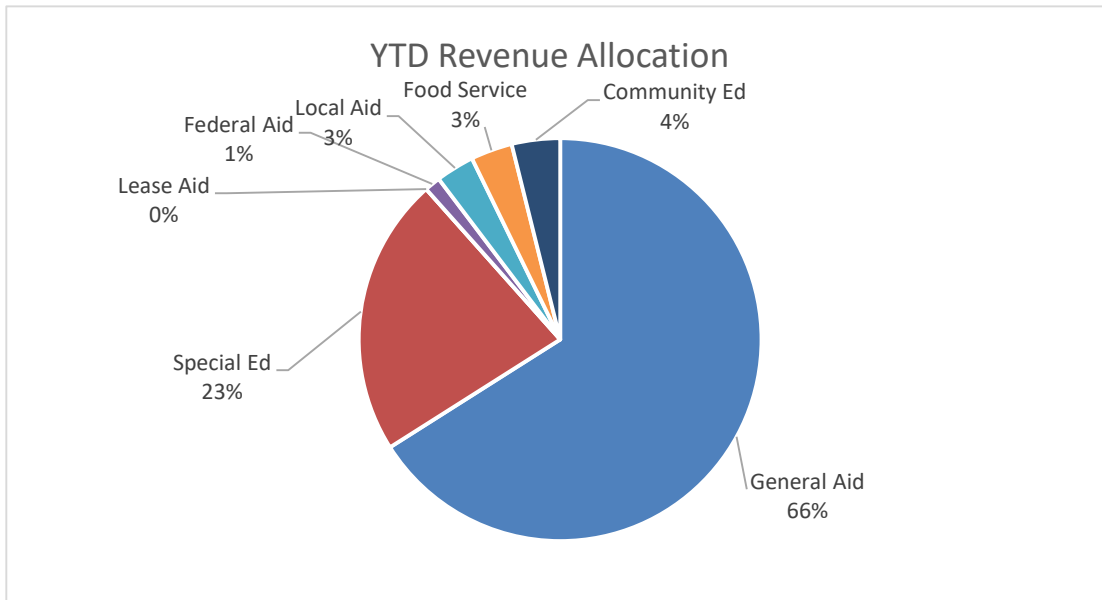
Monitoring the school's budgeted ADM vs. the actual ADM is one of the most important analytical revenue reviews. Variance from the budgeted ADM must be reviewed and understood.

## Cash Flow Projection



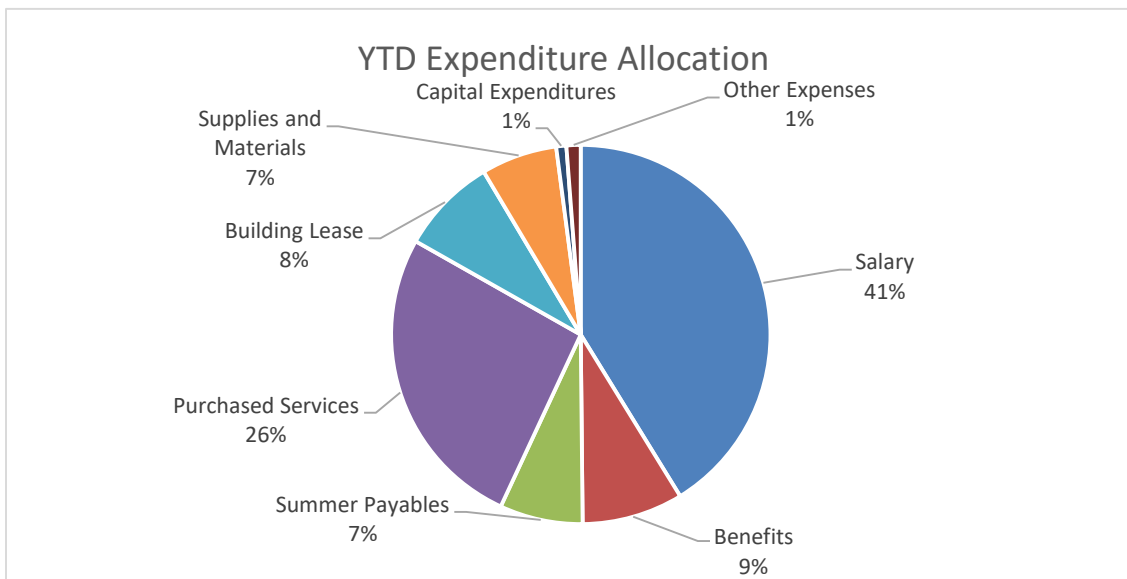
Swan River's cash balance is expected to increase slightly during fiscal 2026.

## Revenue



The graph above reflects the revenue allocation the school has received from all revenue sources to date.

## Expenditures



The graph above reflects the current year to date expenditure allocation across the school's major budget categories. This depiction helps identify how the school has spent their funds thus far.

**Swan River Montessori Charter School**  
**Balance Sheet**  
**As of January 31, 2026**

<b>Assets</b>		<b>As of Month-End</b>
Cash		966,226
MDE Receivable - Current year estimate		88,829
MDE Receivable - Prior year		7,108
Total Assets	\$	1,062,163
<b>Liabilities</b>		
Salary and Benefits Payable	\$	93,894
Total Liabilities	\$	93,894
<b>Fund Balance</b>		
Beginning -Audited	\$	852,976
Change in Fund Balance		115,293
Ending- Projected	\$	968,269
Total Liabilities and Fund Balance	\$	1,062,163

*\*\*Current year based on estimated, primarily for ADM numbers.\*\**

**Swan River Montessori Charter School**  
**Income Statement Summary**  
**As of January 31, 2026**

<b>Revenue</b>	<b>Adopted Budget - 165 ADM</b>	<b>Working Forecast - 165 ADM</b>	<b>Monthly Activity</b>	<b>Year to Date</b>	<b>% of Budget</b>
State Aids	\$ 2,402,172	\$ 2,400,139	\$ 188,678	\$ 1,400,207	58.3%
Federal Aids	133,246	117,055	6,816	34,102	29.1%
Local	103,725	123,825	14,593	79,833	64.5%
<b>Total</b>	<b>\$ 2,652,884</b>	<b>\$ 2,654,760</b>	<b>\$ 210,087</b>	<b>\$ 1,514,142</b>	<b>57.0%</b>
<b>Expense</b>					
Salary	\$ 1,176,531	\$ 1,192,446	\$ 105,046	\$ 576,692	48.4%
Benefits	295,437	295,993	24,020	120,771	40.8%
Summer Payables	-	-	-	99,010	NA
Purchased Services	619,905	631,360	74,039	367,022	58.1%
Supplies and Materials	223,023	220,545	19,365	90,400	41.0%
Capital Expenditures	174,578	234,934	28,846	128,036	54.5%
Other Expenses	36,894	38,736	260	16,918	43.7%
<b>Total</b>	<b>\$ 2,526,368</b>	<b>\$ 2,614,014</b>	<b>\$ 251,575</b>	<b>\$ 1,398,848</b>	<b>53.5%</b>
<b>Change in Fund Balance</b>	<b>\$ 126,516</b>	<b>\$ 40,746</b>	<b>\$ (41,488)</b>	<b>\$ 115,293</b>	
<b>Beginning Fund Balance</b>	<b>852,976</b>	<b>852,976</b>	<b>852,976</b>	<b>852,976</b>	
<b>Ending- Projected</b>	<b>\$ 979,492</b>	<b>\$ 893,722</b>	<b>\$ 811,488</b>	<b>\$ 968,269</b>	
<b>FB as a % of Exp</b>					
	<b>39%</b>	<b>34%</b>			

<b>Fund</b>	<b>Beginning Fund Balance 7/1/2025 - Audited</b>	<b>Projected Revenues</b>	<b>Projected Expenditures</b>	<b>Projected Fund Balance 6/30/2026</b>	<b>Profit (Loss) CY</b>
General Fund 1	\$ 782,025	2,397,224	2,355,519	823,730	41,705
Food Service Fund 2	-	131,911	131,911	-	-
Community Service Fund 4	70,951	125,625	126,584	69,992	(959)
<b>Total</b>	<b>\$ 852,976</b>	<b>\$ 2,654,760</b>	<b>\$ 2,614,014</b>	<b>\$ 893,722</b>	<b>\$ 40,746</b>

Swan River Montessori Charter School  
Detail Revenue  
As of January 31, 2026

58% Year Complete

	Adopted Budget - 165 ADM	Working Forecast - 165 ADM	Monthly Activity	Year to Date	% of Budget
<b>General Fund</b>					
<b>State Aid</b>					
General Aid	\$ 1,292,881	\$ 1,296,249	\$ 156,084	\$ 858,491	66%
Special Ed	731,483	697,589	16,644	321,215	46%
Compensatory	49,171	24,708	-	-	0%
Lease Aid	157,120	211,441	-	-	0%
Literacy Incentive Aid	17,793	16,808	-	8,404	50.0%
Hourly Worker Unemployment	37,574	32,291	-	29,062	90.0%
School Library Aid	20,000	9,903	-	8,912	90.0%
Student Support Aid	20,000	20,000	-	18,000	90.0%
Cybersecurity Grant	-	15,000	-	15,000	100.0%
State Aid Receivables*	-	-	-	88,829	N/A
Total State Aid	\$ 2,326,022	\$ 2,323,989	\$ 172,728	\$ 1,347,914	58%
<b>Federal Aid</b>					
Title I	\$ 24,114	\$ -	\$ -	\$ -	0%
Title II/III		11,049	-	3,686	33.4%
Special Ed	26,312	23,186	922	14,627	63%
Total Federal Aid	\$ 50,426	\$ 34,235	\$ 922	\$ 18,313	53%
<b>Local Aid and Donation</b>					
Interest	\$ 500	\$ 5,000	\$ 810	\$ 4,897	98%
Miscellaneous	400	500	265	16,846	3369.2%
Donations and Other	10,000	500	6,920	7,220	1444%
MA Revenue	-	20,000	-	1,104	6%
Fees for Services	8,000	13,000	1,529	14,367	111%
Total Local and Donation	\$ 18,900	\$ 39,000	\$ 9,525	\$ 44,435	114%
<b>Total General Fund Revenue</b>	<b>\$ 2,395,348</b>	<b>\$ 2,397,224</b>	<b>\$ 183,174</b>	<b>\$ 1,410,662</b>	<b>59%</b>
<b>Food Service Fund</b>					
State Revenue	\$ 35,350	\$ 35,350	\$ 11,551	\$ 31,654	90%
Federal Revenue	82,820	82,820	5,895	15,789	19%
Food Sales	-	-	-	500	N/A
Transfer from General	13,741	13,741	-	-	0%
<b>Total Food Service Revenue</b>	<b>\$ 131,911</b>	<b>\$ 131,911</b>	<b>\$ 17,445</b>	<b>\$ 47,943</b>	<b>36%</b>
<b>Community Service Fund</b>					
Before/After School Care	\$ 40,800	\$ 40,800	\$ 4,400	\$ 20,639	51%
Children's House Tuition	84,825	84,825	5,068	34,898	41%
<b>Total Community Service Revenue</b>	<b>\$ 125,625</b>	<b>\$ 125,625</b>	<b>\$ 9,468</b>	<b>\$ 55,537</b>	<b>44%</b>
<b>Total Revenue- All Funds</b>	<b>\$ 2,652,884</b>	<b>\$ 2,654,760</b>	<b>\$ 210,087</b>	<b>\$ 1,514,142</b>	<b>57%</b>

Swan River Montessori Charter School  
Detail Expense  
As of January 31, 2026

FYTD: 58%

	Adopted Budget - 165 ADM	Working Forecast - 165 ADM	Monthly Activity	Year to Date	% of Budget
<b>Admin and Operations</b>					
100 Salaries	\$ 119,397	\$ 127,331	\$ 9,038	\$ 66,187	52%
200 Benefits	36,587	52,091	5,999	28,708	55%
305 Contracted Services	158,500	161,275	17,660	115,697	72%
320 Communication	5,971	6,269	-	3,580	57%
329 Postage	896	896	-	272	30%
330 Utilities	39,182	39,182	4,700	21,495	55%
340 Insurance	25,632	30,294	2,691	15,595	51%
350 Repairs & Maintenance	2,081	2,081	-	767	37%
366 Conferences/Professional Development	5,202	5,202	-	-	0%
401 General Supplies	23,881	23,881	2,478	11,833	50%
405 Purchased Software (405/406)	520	7,500	1,308	8,627	115%
490 Food	416	1,000	45	599	60%
500 Furniture & Equipment	-	-	12,314	12,314	0%
570 Building Lease	174,578	234,934	16,532	115,722	49%
820 Dues & Memberships	21,995	21,995	247	15,200	69%
899 Misc Expenses - Missing Support	-	-	-	1,640	0%
910 Transfers to Other Funds	13,741	13,741	-	-	0%
<b>Total Admin and Operations</b>	<b>\$ 628,579</b>	<b>\$ 727,672</b>	<b>\$ 73,012</b>	<b>\$ 418,236</b>	<b>57%</b>
<b>Instructional Support and Services</b>					
100 Salaries	\$ 575,809	\$ 600,441	\$ 53,349	\$ 269,649	45%
200 Benefits	153,691	150,110	10,922	55,300	37%
1XX/2XX Summer Payable	-	-	-	60,216	NA
305 Contracted Services	-	-	833	12,623	0%
335 Short Term Lease	-	-	-	300	0%
360 Transportation - Field Trips	13,183	13,183	-	678	5%
366 Conferences/Professional Development	6,615	6,615	90	875	13%
369 Field Trips and Registration	-	-	-	195	0%
401 General Supplies	14,646	14,646	635	10,876	74%
405 Purchased Software (405/406)	-	-	-	4,662	0%
430 Instructional Supplies	31,244	31,244	312	3,182	10%
461 Standardized Tests	2,756	2,756	-	-	0%
490 Food	-	-	-	5	0%
820 Dues & Memberships	1,158	3,000	13	78	3%
<b>Total Instructional Support and Services</b>	<b>\$ 799,102</b>	<b>\$ 821,995</b>	<b>\$ 66,153</b>	<b>\$ 418,639</b>	<b>51%</b>

Swan River Montessori Charter School  
Detail Expense  
As of January 31, 2026

FYTD: 58%

	Adopted Budget - 165 ADM	Working Forecast - 165 ADM	Monthly Activity	Year to Date	% of Budget
<b>Special Education</b>					
100 Salaries	\$ 377,118	\$ 355,573	\$ 34,325	\$ 196,602	55%
200 Benefits	100,657	88,675	6,803	35,288	40%
100 CEIS - Salaries	-	2,611	251	1,254	48%
200 CEIS - Benefits	-	871	45	220	25%
1XX/2XX Summer Payable	-	-	-	38,794	NA
305 Contracted Services	7,525	27,229	4,013	39,561	145%
360 Transportation - SPED & HHM	-	-	-	10,053	0%
366 Conferences/Professional Development	1,186	1,186	-	2,452	207%
394 Payments to Other Agencies	332,487	312,783	42,374	133,750	43%
401 General Supplies	4,829	3,500	496	1,059	30%
405 Purchased Software	1,984	2,375	-	2,752	116%
430 Instructional Supplies	-	-	-	1,457	0%
433 Instructional Supplies- Ind	9,104	-	-	-	0%
<b>Total Special Education</b>	<b>\$ 834,890</b>	<b>\$ 794,803</b>	<b>\$ 88,307</b>	<b>\$ 463,242</b>	<b>58%</b>
<b>Title Programs</b>					
100 Salaries	16,867	9,414	-	-	0%
200 Benefits	4,502	1,635	-	-	0%
<b>Total Title Programs</b>	<b>21,369</b>	<b>11,049</b>	<b>-</b>	<b>-</b>	<b>0%</b>
<b>Total General Fund Expenditures</b>	<b>\$ 2,283,940</b>	<b>\$ 2,355,519</b>	<b>\$ 227,472</b>	<b>\$ 1,300,117</b>	<b>55%</b>
<b>Food Service Fund</b>					
401 General Supplies	-	-	1,376	4,655	0%
490 Food	131,911	131,911	12,715	39,028	30%
820 Dues & Memberships	-	-	-	1,135	0%
<b>Total Food Service</b>	<b>\$ 131,911</b>	<b>\$ 131,911</b>	<b>\$ 14,091</b>	<b>\$ 44,818</b>	<b>34%</b>
<b>Community Ed Fund</b>					
100 Salaries	\$ 87,340	\$ 99,687	\$ 8,334	\$ 44,254	44%
200 Benefits	21,202	24,922	1,678	9,128	37%
394 Field Trips	243	243	-	-	0%
401 General Supplies	1,489	1,489	-	531	36%
820 Dues & Memberships	243	243	-	-	0%
<b>Total Community Ed</b>	<b>110,517</b>	<b>126,584</b>	<b>10,013</b>	<b>53,913</b>	<b>43%</b>
<b>Total Expense- All Funds</b>	<b>\$ 2,526,368</b>	<b>\$ 2,614,014</b>	<b>\$ 251,575</b>	<b>\$ 1,398,848</b>	<b>54%</b>

Swan River Montessori Charter School  
CashFlow Summary  
As of January 31, 2026

5 Months Remaining

Cash Receipts		Monthly																				
		Budget	Activity	Year to Date	February	March	April	May	June	Total	Budget	Remaining										
State Aids- Current Year	\$	2,323,989	\$	172,728	\$	1,259,084	\$	172,850	\$	178,668	\$	172,643	\$	172,850	\$	172,643	\$	2,128,738	\$	2,323,989	\$	195,251
State Aids- Prior Year		7,108		-		-		6,169		-		25,463		-		-		31,632		7,108		-
Federal - Current Year		34,235		922		-		-		-		12,607		-		-		12,607		34,235		21,629
Local		164,625		18,993		99,972		12,931		12,931		12,931		12,931		12,931		164,625		164,625		-
Food Service		131,911		17,445		47,943		15,954		15,954		15,954		15,954		15,954		127,713		131,911		4,198
Total Inflows	\$	2,661,868	\$	210,087	\$	1,406,999	\$	207,904	\$	207,553	\$	239,597	\$	201,735	\$	201,528	\$	2,465,314	\$	2,661,868	\$	221,078
Expense		Monthly																				
		Budget	Activity	Year to Date	February	March	April	May	June	Total	Budget	Remaining										
Salary	\$	1,192,446	\$	105,046	\$	576,692	\$	99,371	\$	99,371	\$	99,371	\$	99,371	\$	99,371	\$	1,073,545	\$	1,192,446	\$	118,901
Benefits		295,993		23,724		120,771		24,666		24,666		24,666		24,666		24,666		244,101		295,993		51,892
Purchased Services		631,360		74,039		367,022		52,868		52,868		52,868		52,868		52,868		631,360		631,360		-
Supplies and Materials		220,545		19,365		90,400		26,029		26,029		26,029		26,029		26,029		220,545		220,545		-
Capital Expenditures		234,934		28,846		128,036		21,380		21,380		21,380		21,380		21,380		234,934		234,934		-
Other Expenses		38,736		260		16,918		4,364		4,364		4,364		4,364		4,364		38,736		38,736		-
Accounts Payable		-		-		-		-		-		-		-		-		-		-		-
Total Outflows	\$	2,614,014	\$	251,279	\$	1,299,838	\$	228,676	\$	228,676	\$	228,676	\$	228,676	\$	228,676	\$	2,443,221	\$	2,614,014	\$	170,793
Change in Cash				\$	(20,773)	\$	(21,124)	\$	10,921	\$	(26,942)	\$	(27,149)	\$	22,094							
Beginning				\$	966,226	\$	945,453	\$	924,329	\$	935,250	\$	908,308	Days Cash on Hand								
Line of Credit				\$	-	\$	-	\$	-	\$	-	\$	-	132								
Ending- Projected				\$	945,453	\$	924,329	\$	935,250	\$	908,308	\$	881,159									

# NOTES TO THE FINANCIAL STATEMENTS

## JANUARY 2026

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- The financials statements are drafted on an accrual basis of accounting.
  - The financial statements are drafted based on information received from the school's leadership.
  - The numbers are subject to change based on timing of information received from the school.
  - The school's budget is based on full accrual projections as of the end of the fiscal year.
  - This report is unaudited and is prepared for internal use only.
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EdFinMN | Minneapolis | MN  
| [www.edfinmn.org](http://www.edfinmn.org) | [info@edfinmn.org](mailto:info@edfinmn.org)

Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type	
SHBC	18786	1204		Adam's Pest Control, Inc.		Check	
			E 01 005 810 000 000 305	Prevention Plus		\$85.00	
PO#:	Voucher #:	14568	Invoice	Invoice No: 4329260	1/14/2026	Paid Amt:	\$85.00 Check Amount: \$85.00
SHBC	18787	1553		Agate Social Works, LLC		Check	
			E 01 010 420 000 740 394	SpEd Social Work 12/01/25-12/19/25 110.75h @		\$9,967.50	
			E 01 010 710 000 373 377	GenEd Social Work 12/01/25-12/19/25		\$382.50	
PO#:	Voucher #:	14571	Invoice	Invoice No: SR12192025	1/14/2026	Paid Amt:	\$10,350.00
			E 01 010 420 000 740 394	SpEd Social Work 10/21/25-11/07/25 102h @ \$		\$9,225.00	
			E 01 010 710 000 373 377	GenEd Social Work 10/21/25-11/07/25		\$360.00	
PO#:	Voucher #:	14570	Invoice	Invoice No: SR11072025	1/14/2026	Paid Amt:	\$9,585.00 Check Amount: \$19,935.00
SHBC	18789	1222		Blue Cross/Blue Shield of MN		Check	
			B 01 215 016	Insurance Premiums Dec		\$86.96	
PO#:	Voucher #:	14572	Invoice	Invoice No: 251231437785	1/14/2026	Paid Amt:	\$86.96 Check Amount: \$86.96
SHBC	18790	1711		Canopy IT Solutions		Check	
			E 01 005 108 000 000 305	IT Service		\$1,567.50	
PO#:	Voucher #:	14573	Invoice	Invoice No: 12119	1/14/2026	Paid Amt:	\$1,567.50 Check Amount: \$1,567.50
SHBC	18791	1612		Colonial Life		Check	
			B 01 215 011	Supplemental Benefits 12/01/25,12/16/25		\$123.68	
PO#:	Voucher #:	14576	Invoice	Invoice No: 5714381-1201256	1/14/2026	Paid Amt:	\$123.68 Check Amount: \$123.68
SHBC	18792	1704		Coordinated Business Systems, LTD		Check	
			E 01 005 110 000 000 465	Copier 12/01/25-12/31/25		\$269.63	
PO#:	Voucher #:	14575	Invoice	Invoice No: INV511167	1/14/2026	Paid Amt:	\$269.63 Check Amount: \$269.63
SHBC	18793	1581		Countryside Delivery		Check	
			E 02 005 770 000 701 495	Milk Dec		\$756.00	
PO#:	Voucher #:	14574	Invoice	Invoice No: DT123125	1/14/2026	Paid Amt:	\$756.00 Check Amount: \$756.00
SHBC	18794	1636		EdFinMN		Check	
			E 01 005 110 000 000 305	Accounting/Consulting Fees -Jan		\$4,635.00	
PO#:	Voucher #:	14577	Invoice	Invoice No: 2799	1/14/2026	Paid Amt:	\$4,635.00 Check Amount: \$4,635.00

Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type	
SHBC	18795	1245		Innovative Office Solutions		Check	
			E 01	005 110 000 000 401	Copy Paper		\$597.80
PO#:	Voucher #:	14578	Invoice	Invoice No: IN5025182	1/14/2026	Paid Amt:	\$597.80
						Check Amount:	\$597.80
SHBC	18796	1700		JD Outdoor Services		Check	
			E 01	005 810 000 000 305	Snow Removal Dec 29		\$125.00
PO#:	Voucher #:	14579	Invoice	Invoice No: 5629	1/14/2026	Paid Amt:	\$125.00
						Check Amount:	\$125.00
SHBC	18797	1618		MN PEIP		Check	
			B 01	215 015	Health Insurance -01/01/25-01/31/25		\$6,598.20
PO#:	Voucher #:	14586	Invoice	Invoice No: 1582478	1/14/2026	Paid Amt:	\$6,598.20
						Check Amount:	\$6,598.20
SHBC	18798	1661		Nova Education Consultants		Check	
			E 01	010 420 000 740 394	SpEd Services 12/16/25-12/28/25		\$9,600.00
PO#:	Voucher #:	14581	Invoice	Invoice No: 3968	1/14/2026	Paid Amt:	\$9,600.00
			E 01	010 420 000 740 394	OT Services E Boughner 12/16/25-01/06/25 23..		\$2,464.50
			E 01	010 420 000 419 303	SpED Coordinator K Zehowski 12/16/26-01/06/		\$1,950.00
			E 01	010 406 000 740 394	BVI Services 12/16/25-12/06/26 2.75h @ \$125		\$343.75
			E 01	010 406 000 740 394	School Psych J Korolewski 12/16/25-01/06/25 3		\$450.00
PO#:	Voucher #:	14582	Invoice	Invoice No: 3957	1/14/2026	Paid Amt:	\$5,208.25
						Check Amount:	\$14,808.25
SHBC	18799	1258		Premier Kitchen, Inc.		Check	
			E 02	005 770 000 701 490	Lunch 12/01/25-12/15/25		\$3,777.12
			E 02	005 770 000 705 490	Breakfast 12/01/25-12/15/25		\$1,605.00
			E 02	005 770 000 701 401	Supplies		\$130.00
PO#:	Voucher #:	14587	Invoice	Invoice No: 40741	1/14/2026	Paid Amt:	\$5,512.12
			E 02	005 770 000 701 490	Lunch 12/16/25-12/31/25		\$1,771.60
			E 02	005 770 000 705 490	Breakfast 12/16/25-12/31/25		\$365.00
			E 02	005 770 000 701 401	Supplies		\$185.00
PO#:	Voucher #:	14583	Invoice	Invoice No: 40821	1/14/2026	Paid Amt:	\$2,321.60
						Check Amount:	\$7,833.72
SHBC	18800	1698		Rebecca McMullens		Check	
			E 01	005 110 000 000 305	MARRS Reporting 12/09/25-12/20/25		\$340.00
PO#:	Voucher #:	14588	Invoice	Invoice No: 796	1/14/2026	Paid Amt:	\$340.00
						Check Amount:	\$340.00

Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type	
SHBC	18801	1452		Reno Mothes		Check	
			E 01	010 404 000 740 394	Direct Services - DAPE 12/05/25-12/12/25 3.25l		\$325.00
PO#:	Voucher #:	14589	Invoice	Invoice No: SWR-0005	1/14/2026	Paid Amt:	\$325.00 Check Amount: \$325.00
SHBC	18802	1708		That Sounds Fun Speech Therapy, LLC		Check	
			E 01	010 401 000 740 394	Speech 12/09/25-1/5/26 31h @ \$120		\$3,720.00
PO#:	Voucher #:	14584	Invoice	Invoice No: 1005	1/14/2026	Paid Amt:	\$3,720.00 Check Amount: \$3,720.00
SHBC	18803	1466		The McDowell Agency, INC		Check	
			E 01	005 110 000 000 305	Background Checks		\$49.50
PO#:	Voucher #:	14585	Invoice	Invoice No: 166613	1/14/2026	Paid Amt:	\$49.50 Check Amount: \$49.50
SHBC	18804	1706		Victory Building Services		Check	
			E 01	005 810 000 000 305	Janitorial Service		\$3,427.00
PO#:	Voucher #:	14590	Invoice	Invoice No: 0629141	1/14/2026	Paid Amt:	\$3,427.00 Check Amount: \$3,427.00
SHBC	18805	1067		WH Security, LLC		Check	
			E 01	005 810 000 000 530	Installation		\$893.48
PO#:	Voucher #:	14591	Invoice	Invoice No: 1687877	1/14/2026	Paid Amt:	\$893.48 \$2,554.00
PO#:	Voucher #:	14595	Invoice	Invoice No: 1687879	1/14/2026	Paid Amt:	\$2,554.00 \$651.94
PO#:	Voucher #:	14596	Invoice	Invoice No: 1687880	1/14/2026	Paid Amt:	\$651.94 \$5.95
PO#:	Voucher #:	14597	Invoice	Invoice No: 1695458	1/14/2026	Paid Amt:	\$5.95 \$8,038.02
PO#:	Voucher #:	14592	Invoice	Invoice No: 1687878	1/14/2026	Paid Amt:	\$8,038.02 \$125.00
PO#:	Voucher #:	14594	Invoice	Invoice No: 1696236	1/14/2026	Paid Amt:	\$125.00 \$45.45
PO#:	Voucher #:	14593	Invoice	Invoice No: 1695456	1/14/2026	Paid Amt:	\$45.45 Check Amount: \$12,313.84
SHBC	18806	1714		All Elements Inc		Check	
			E 01	005 810 000 000 305	Facility Repair		\$313.24
PO#:	Voucher #:	14598	Invoice	Invoice No: 13559	1/14/2026	Paid Amt:	\$313.24 Check Amount: \$313.24

Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type	
SHBC	18807	1553		Agate Social Works, LLC		Check	
			E 01 010 420 000 740 394	SpEd Social Worker 01/05/26-01/09/26 34.5h @			\$3,105.00
			E 01 010 710 000 373 377	Gen Ed Social Worker 01/05/26-01/09/26			\$90.00
PO#:	Voucher #:	14599	Invoice	Invoice No: SR01092026	1/27/2026	Paid Amt:	\$3,195.00
						Check Amount:	\$3,195.00
SHBC	18808	1448		Ashley Blaha		Check	
			E 01 010 203 000 430	instructional supplies			\$43.96
PO#:	Voucher #:	14600	Invoice	Invoice No: DT011326	1/27/2026	Paid Amt:	\$43.96
						Check Amount:	\$43.96
SHBC	18809	1711		Canopy IT Solutions		Check	
			E 01 005 110 000 305	Tech Service			\$2,402.50
PO#:	Voucher #:	14602	Invoice	Invoice No: 11789	1/27/2026	Paid Amt:	\$2,402.50
			E 01 005 108 000 305	Tech Service			\$500.00
PO#:	Voucher #:	14603	Invoice	Invoice No: 11630	1/27/2026	Paid Amt:	\$500.00
			E 01 005 108 000 305	Tech Service			\$1,540.00
PO#:	Voucher #:	14601	Invoice	Invoice No: 11775	1/27/2026	Paid Amt:	\$1,540.00
			E 01 005 108 000 305	Tech Service			\$1,000.00
PO#:	Voucher #:	14604	Invoice	Invoice No: 11627	1/27/2026	Paid Amt:	\$1,000.00
						Check Amount:	\$5,442.50
SHBC	18810	1689		Cullen Host		Check	
			E 01 005 810 000 305	Snow Removal February			\$1,000.00
PO#:	Voucher #:	14605	Invoice	Invoice No: 02012026	1/27/2026	Paid Amt:	\$1,000.00
						Check Amount:	\$1,000.00
SHBC	18811	1226		Dehmer Fire Protection		Check	
			E 01 005 810 000 305	Fire Extinguishers serviced / filled			\$96.00
PO#:	Voucher #:	14606	Invoice	Invoice No: 4965	1/27/2026	Paid Amt:	\$96.00
						Check Amount:	\$96.00
SHBC	18812	1716		Kirsten Host		Check	
			E 01 005 110 000 490	Reimbursement-Admin Food			\$44.97
PO#:	Voucher #:	14607	Invoice	Invoice No: DT012126	1/27/2026	Paid Amt:	\$44.97
						Check Amount:	\$44.97
SHBC	18813	1717		Mylin Conner		Check	
			E 01 010 640 000 366	Reimbursement- PELSB			\$90.25
PO#:	Voucher #:	14608	Invoice	Invoice No: DT011426	1/27/2026	Paid Amt:	\$90.25
						Check Amount:	\$90.25

Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
SHBC	18814	1503		Nobelus LLC		Check
			E 01	010 203 000 401	Laminate	\$366.00
PO#:	Voucher #:	14609	Invoice	Invoice No: INV000169203	1/27/2026	Paid Amt: \$366.00 Check Amount: \$366.00
SHBC	18815	1661		Nova Education Consultants		Check
			E 01	010 420 000 419 303	SpEd Director K Zehowski 12/29/25-01/09/26 1:30h @ \$125	\$2,062.50
			E 01	010 406 000 740 394	BVI Zehowski 12/29/25-01/09/26 1.25h @ \$125	\$156.25
			E 01	010 410 000 740 394	OT E Boughtner 12/29/25-01/09/26 23.75h @ \$1	\$2,517.50
PO#:	Voucher #:	14610	Invoice	Invoice No: 4011	1/27/2026	Paid Amt: \$4,736.25 Check Amount: \$4,736.25
SHBC	18816	1258		Premier Kitchen, Inc.		Check
			E 02	005 770 000 705 490	Breakfast 01/01/26-01/15/26	\$1,687.50
			E 02	005 770 000 705 490	Lunch 01/01/26-01/15/26	\$3,422.80
PO#:	Voucher #:	14611	Invoice	Invoice No: 40891	1/27/2026	Paid Amt: \$5,110.30 Check Amount: \$5,110.30
SHBC	18817	1131		REGION V COMPUTER SERVICES		Check
			E 01	005 110 000 000 405	Quarterly Membership Fee FY26 Q3	\$1,178.00
PO#:	Voucher #:	14612	Invoice	Invoice No: 18466	1/27/2026	Paid Amt: \$1,178.00 Check Amount: \$1,178.00
SHBC	18818	1367		Sharon Schneider		Check
			E 01	010 203 000 000 430	Reimbursement Classroom Supplies	\$267.80
PO#:	Voucher #:	14613	Invoice	Invoice No: DT010626	1/27/2026	Paid Amt: \$267.80 Check Amount: \$267.80
SHBC	18819	1275		WM Corporate Services, INC		Check
			E 01	005 810 000 000 330	Garbage/Recycling-December	\$1,408.87
PO#:	Voucher #:	14614	Invoice	Invoice No: 7413010-1767-8	1/27/2026	Paid Amt: \$1,408.87 Check Amount: \$1,408.87
Report Total:						\$100,890.22

[illegible]

Swan River Montessori # 4137  
Receipt Listing Report with Detail by Deposit

Deposit Co	Bank	Batch	Rct No	Receipt Type	Receipt St	Date	Check No	Pmt Type	Grp Code	Customer	Inv No	Inv Date	Inv Type	Invoice Amount	Applied Amount	Unapplied Amount
3417	4137	SHBC	D0126	3474	Credit	A	01/21/26	Check	1	MDE					1,529.49	0.00
01.21.26	School Deposit		4137		R	01	005	000	000	050	Field Trip Fee				\$14,199.21	\$0.00
															\$14,199.21	\$0.00
																\$0.00
3418	4137	SHBC	D0126	3475	Credit	A	01/31/26	Check	1	Misc					1,505.00	0.00
TSYS Jan			4137		R	04	005	505	000	040	EC Tuition				1,980.00	0.00
			4137		R	04	005	505	007	040	EX Care Tuition				\$3,485.00	\$0.00
															\$3,485.00	\$0.00
3419	4137	SHBC	D0126	3476	Credit	A	01/07/26	Check	1	MDE					498.00	0.00
Thrivent Grant			4137		R	01	005	000	000	096	Donations				\$498.00	\$0.00
															\$498.00	\$0.00
															\$498.00	\$0.00
3420	4137	SHBC	D0126	3477	Credit	A	01/31/26	Check	1	Misc					810.38	0.00
Interest Jan			4137		R	01	005	000	000	092	Interest Earnings				\$810.38	\$0.00
															\$810.38	\$0.00
															\$199,150.46	\$0.00

## Exhibit H: Environmental Education Goals

### EE Performance Indicator 1: Awareness

Goal: Students at SRMCS have the awareness, or are increasing their awareness, of the relationship between the environment and human life as measured by curriculum-based measures across the contract period.

Strategy:	Students in Children's House will learn about how recycling and composting helps our environment and ways to keep our environment clean.	Strategy:	Students in Children's House and E1 will learn about birds native to Minnesota. They will learn the importance of the role birds play in our ecosystem for example, how they spread seed, eat pests, pollinate, and are part of the food chain.
Evaluation Method:	<a href="#">80% of Children's House students will be able to correctly sort 8 out of 10 items presented to them as either recyclable or garbage.</a>	Evaluation Method:	<a href="#">75% of E1 students will receive a score of 6 out of 6 (100%) when completing the Minnesota Birds Matching   https://drive.google.com/file/d/1sn82tZbzBlsGnwrYLA8-Pd_AZNzQ2Cug/view?usp=s_haringorksheet.</a>
Results:	<a href="#">91% (40/44) of CH students were able to correctly sort 8 out of 10 items presented to them as either recyclables or garbage. 5% (2/44) did not score 8 or higher. 5% (2/44) did not meet the goal due to absences.</a>	Results:	<a href="#">84% (65/77) of E1 students received a score of 6 out of 6 on their Minnesota Bird Matching assessment given in class. 12% (9/77) did not receive a score of 6 out of 6. 4% (3/77) did not meet the goal due to absences.</a>
Rating:		Rating:	

### EE Performance Indicator 2: Knowledge

Goal: Students at Swan River have the knowledge, or are increasing their knowledge, of human and natural systems and processes as measured by curriculum-based measures across the contract period.

Strategy:	E2 students will learn about invasive species and how they affect the environment. We will teach them about invasive species in our state's natural systems and how humans can be both a positive and negative driving factor.	Strategy:	E1 students will learn about invasive species and how they affect the environment. We will teach them about invasive species in our state's natural systems and how humans can be both a positive and negative driving factor.
Evaluation Method:	<a href="#">E2 students will work in small groups to focus on various Minnesota invasive species and present their findings on the specific invasive species, how humans have played a role, and what we can potentially do or be mindful of to prevent further issues. 80% of students will score 6 or higher on the presentation rubric.</a>	Evaluation Method:	<a href="#">E1 students will be evaluated through their completion of an Invasive Species exit ticket assessment. 75% of E1 students will be able to name and draw one example of an invasive species known to impact Minnesota's habitats and share one example explaining how they can stop the spread of these species.</a>
Results:	<a href="#">95% (54/57) of E2 students were able to score 6 or higher on their invasive species presentation rubric. 4% (2/57) students were not able to score 6 or higher on the presentation rubric. 1% (1/57) of E2 students did not participate in the presentation due to absence.. Each class created a book on different invasive species in Minnesota with their poster from the presentations.</a>	Results:	<a href="#">79% (61/77) of E1 students were able to name and draw one example of an invasive species known to impact Minnesota's habitats and share one example explaining how they can stop the spread of these species. 19% (15/77) were not able to correctly respond to both prompts. 1% (1/77) did not participate due to absence.</a>
Rating:		Rating:	

### EE Performance Indicator 3: Attitudes

Goal: Students at this School have an attitude, or are increasing their attitude of, appreciation and concern for the environment as measured by curriculum-based measures across the contract period.

Strategy:	Biodiversity is an important measure of how healthy ecosystems are. E2 students will learn about biodiversity in Minnesota ecosystems. We will teach about the importance of maintaining healthy ecosystems and the repercussions of biodiversity loss to increase student awareness and concern for the environment.	Strategy:	Approximately 8.4% of Minnesota's total area is covered by water. This includes lakes, rivers, and other bodies of water. E1 students will learn about the impact water pollution has on environment on a local and global scale. They will explore ways to reduce water pollution and discover eco-friendly alternatives to every day choices.
Evaluation Method:	<a href="#">E2 students will create a poster explaining the importance of biodiversity in ecosystems, and include facts about how biodiversity loss is harmful to the environment. 75% of E2 students will score 6 or higher on the rubric.</a>	Evaluation Method:	<a href="#">E1 student will actively participate in groups of 2-4 students to create a poster informing others about the importance of reducing water pollution on a local OR global scale. 75% of E1 student groups will receive a score of 2 out of 3 or higher using the attached rubric. We are hoping to display these posters in one of our local community buildings (Community Center or Library).</a>
Results:		Results:	

Rating:		Rating:	
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#### EE Performance Indicator 4: Skills

Goal: Students at this school have or are increasing their problem solving and critical thinking skills as it relates to the environment and human life as measured by curriculum-based measures across the contract period.

Strategy:	E2 students will learn about the differences between weather and climate. We will explore different climate zones, extreme weather, and the basics of climate change. Students will use their problem-solving and critical thinking skills to identify the key differences between weather and climate. They will also learn about how climate change is fueling extreme weather around the world.	Strategy:	E1 students will learn about the different types of weather, weather patterns, and how it influences their lives and the communities around them. Students will also be introduced to different types of severe weather. They will use their critical thinking and observation skills in order to accurately describe current weather conditions and make predictions of future weather.
Evaluation Method:	<a href="#">80% of E2 students will create an art piece representing one type of extreme weather and accurately explain it to the class with a score of 6 or higher.</a>	Evaluation Method:	<a href="#">75% of E1 Students will complete five My Daily Weather Report entries (worksheets) reporting that day's weather conditions, describing what it feels like, the actual temperature at the time of the report, and their prediction of what tomorrow's weather will be.</a>
Results:		Results:	
Rating:		Rating:	

#### EE Performance Indicator 5: Action

Goal: Students at at this school demonstrate the capacity, or are increasing their capacity, to work individually and collectively toward sustaining a healthy natural environment as measured by curriculum-based measures across the contract period.

Strategy:	Students in Children's House will learn about birds native to Minnesota. They will learn the importance of the role birds play in our ecosystem for example, how they spread seed, eat pests, pollinate, and are part of the food chain.	Strategy:	Students in E2 will learn about plants and trees. We will focus on plants and trees local to our area so we can make real-life observations. Students will also learn about the impacts of deforestation. Students will plant a seed to bring home to plant.
Evaluation Method:	<a href="#">80% of Children's House students will create a bird feeder that can be used at the school or their home and list at least 2 reasons why birds are helpful to our environment.</a>	Evaluation Method:	<a href="#">75% of E2 students will be able to list at least 3 impacts of deforestation and at least 3 key facts of the importance of trees on their exit tickets.</a>
Results:		Results:	<a href="#">93% (53/57) of E2 students were able to accurately list 3 impacts of deforestation and 3 important factors trees have. 4% (2/57) students were not able to accurately list the impacts and benefits. 1% (1/57) of E2 students did not participate in the presentation due to absence.</a>
Rating:		Rating:	



# FastBridge Data Review

## Different Views

### Norm View

Compare a student's performance to their peers within a specific group (school, district, nation)

These scores show up as red, yellow, green and blue.

### Benchmark View

Identify students who might be at risk of not meeting grade level goals

This is where we are looking for 80% of the students to be meeting at or above the benchmark line.

These scores show up in varying shades of purple and pink.

# Things to consider

Data is not the end all be all but it does inform your teaching  
You can't grow unless you know

## What you are looking at

- ❖ This is data from only three tests
- ❖ The time of the year
- ❖ Focus students have
- ❖ Outside factors for each kid (sleep, hungry, arguments at home/with friends...)

## The classroom

- ❖ What went well when teaching lesson for each grade
- ❖ What is an area where lessons can improve
- ❖ Are all the grade level standards being taught; those are what the questions focus on

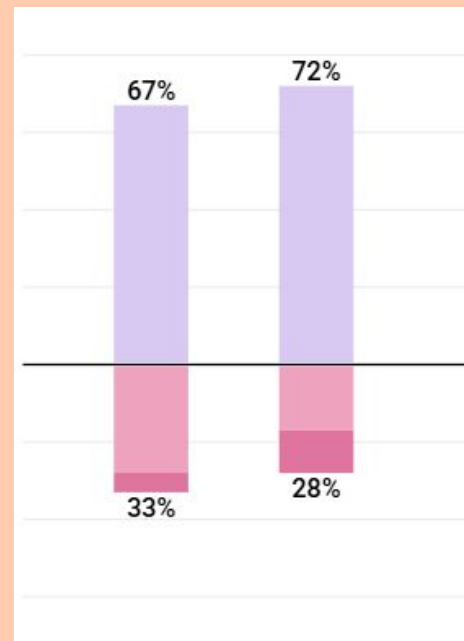
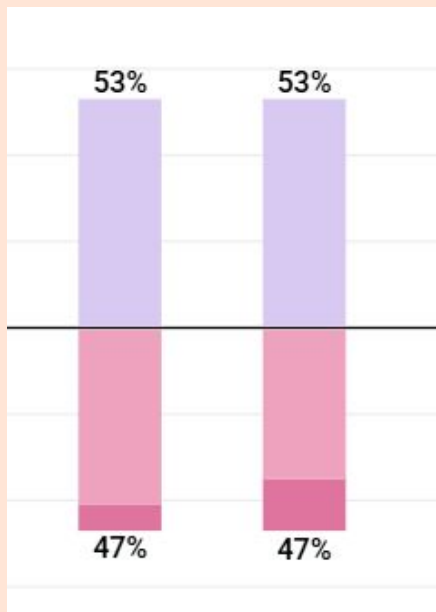
# Reading Data

## MOY FastBridge Reading Data

We will look at benchmark data by grade and teacher. It will show us where our students started in the fall and where they are at mid year.. Also included is the percentage of students in each grade level who receive academic SPED services.

# Children's House Reading- Kindergarten

Overall SPED kids= 2%



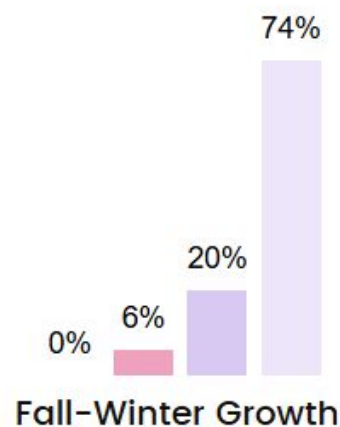
## Group Growth-K

### Early Reading

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

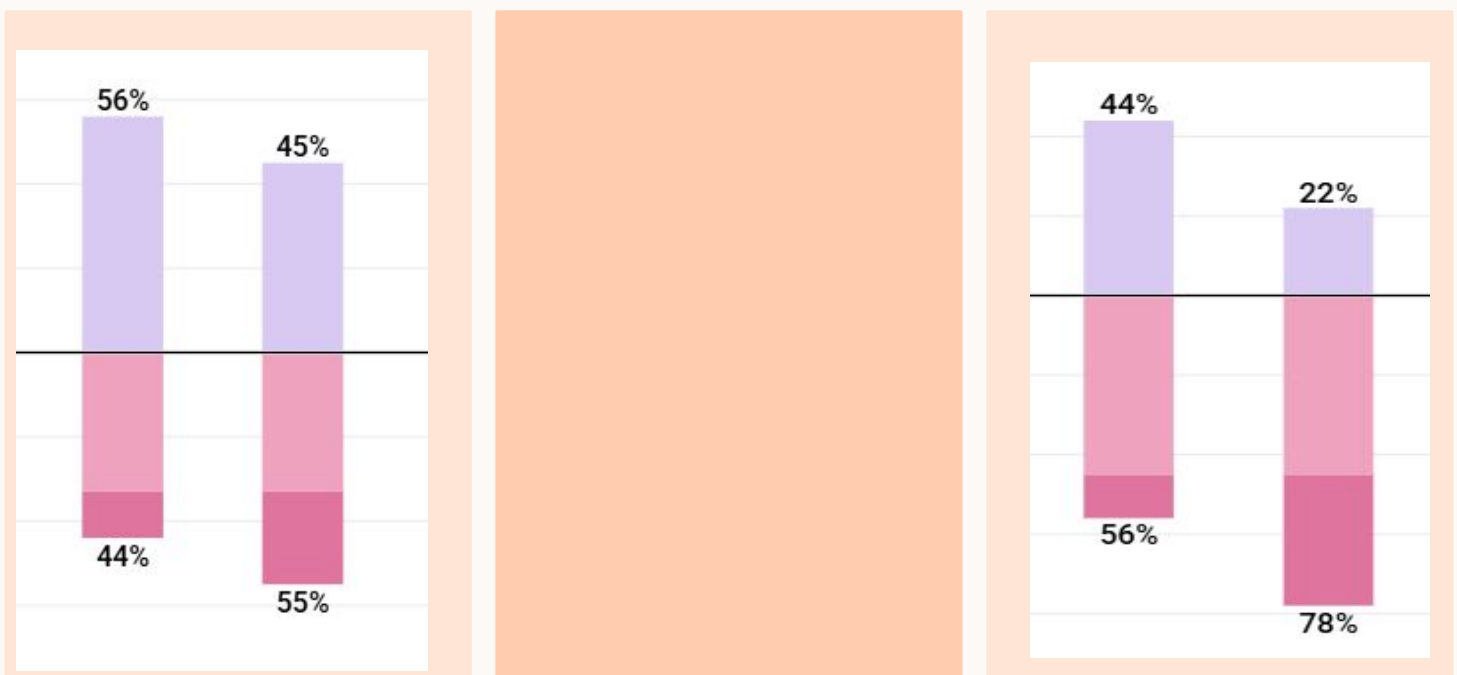
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

### Growth Of All Students In Group By Benchmark Categories: ?



# E1 Reading- First Grade

Overall SPED kids= 10%



## Group Growth- 1

### Early Reading

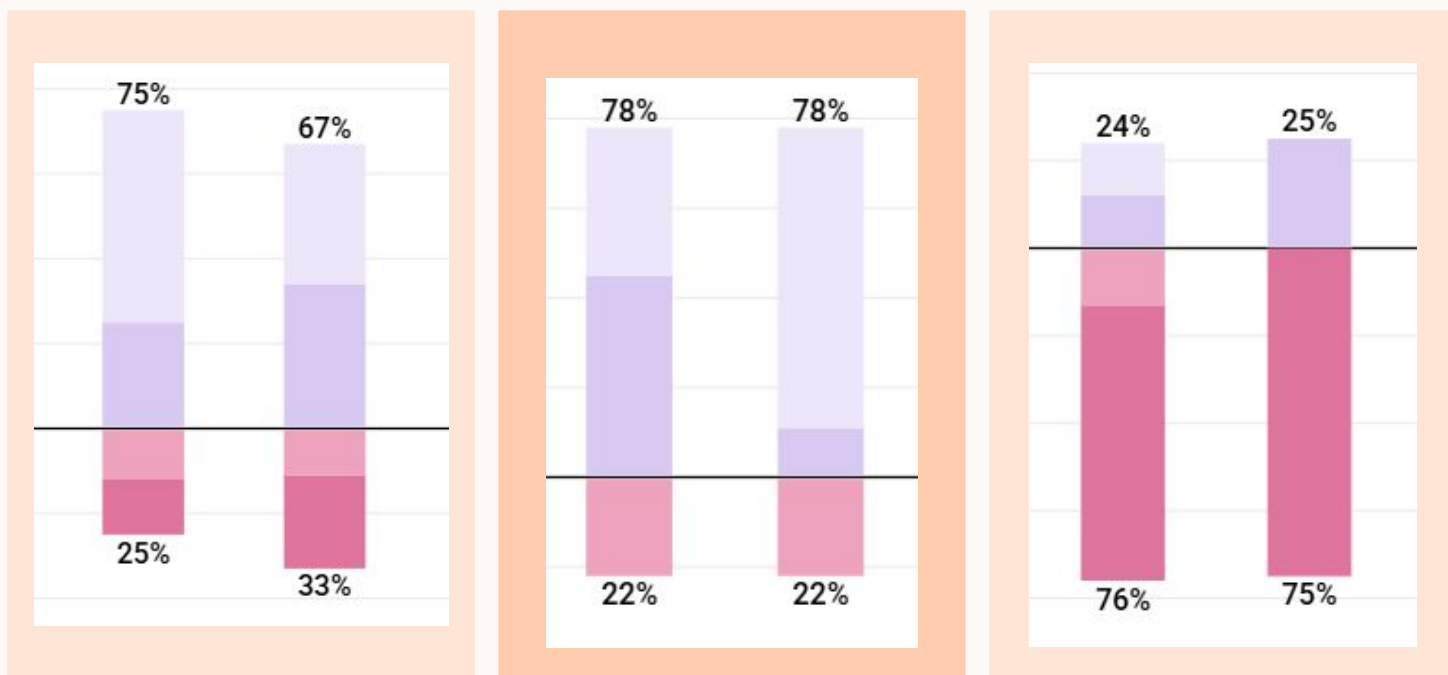
Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.



# E1 Reading- Second Grade

Overall SPED kids=7%



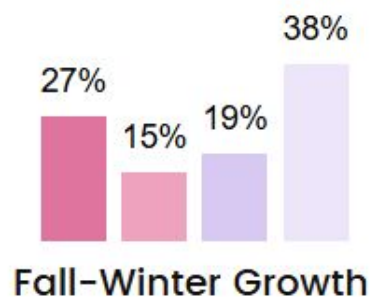
## Group Growth- 2

### aReading

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

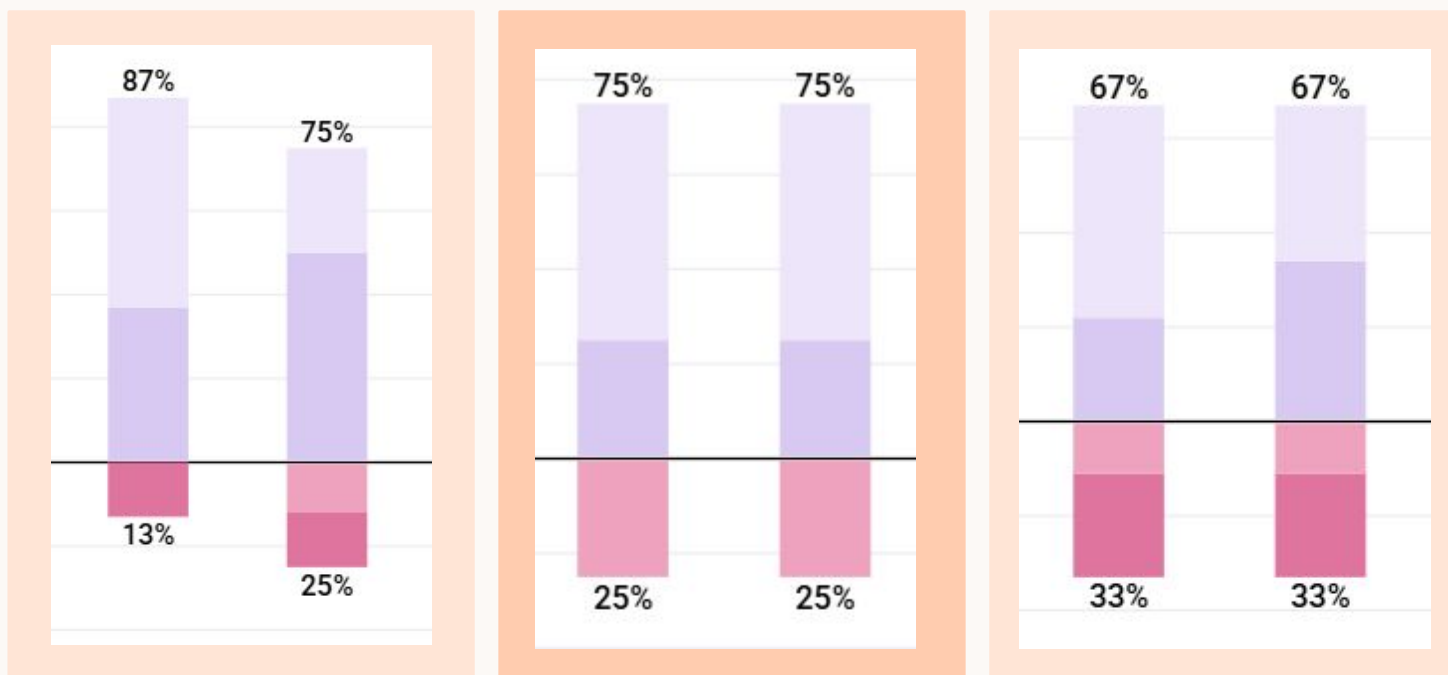
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

### Growth Of All Students In Group By Benchmark Categories: ?



# E1 Reading- Third Grade

Overall SPED kids= 20%



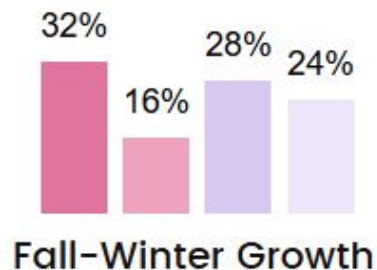
## Group Growth-3

### aReading

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

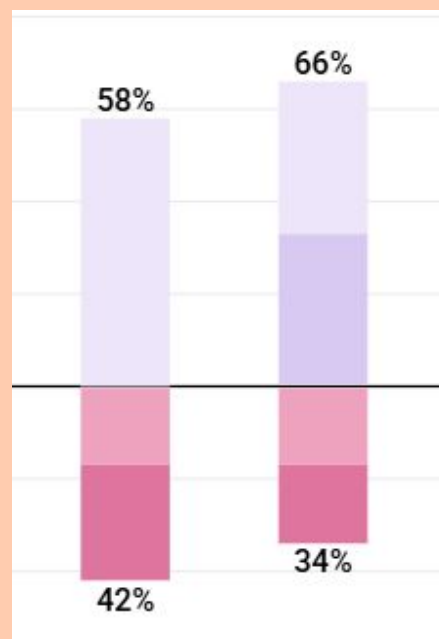
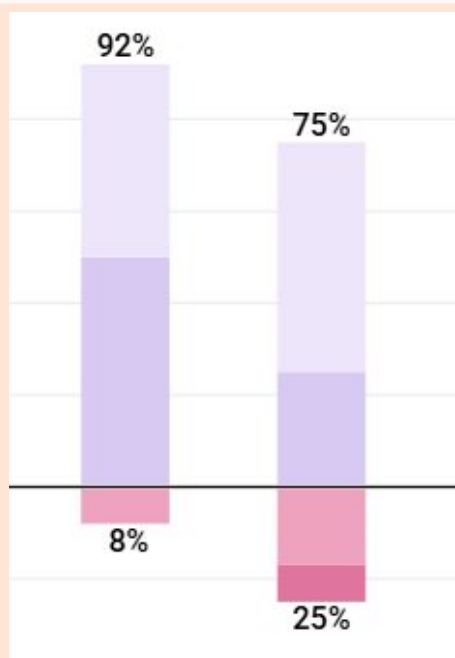
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

### Growth Of All Students In Group By Benchmark Categories: ?



## E2 Reading- Fourth Grade

Overall SPED kids= 25%



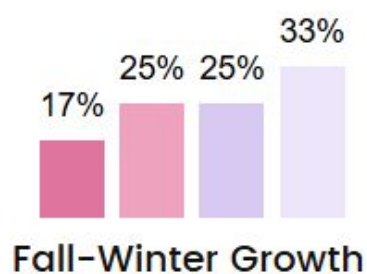
## Group Growth- 4

### aReading

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

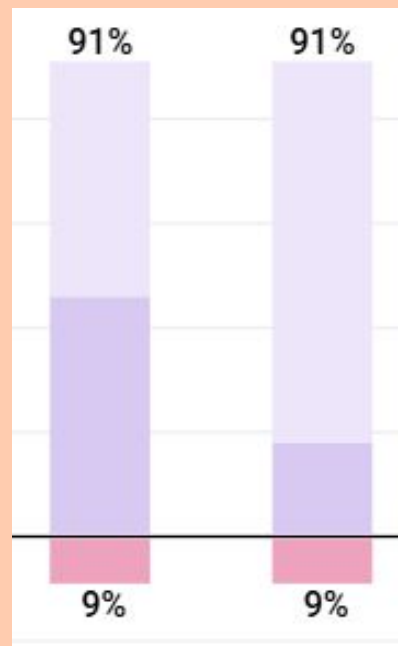
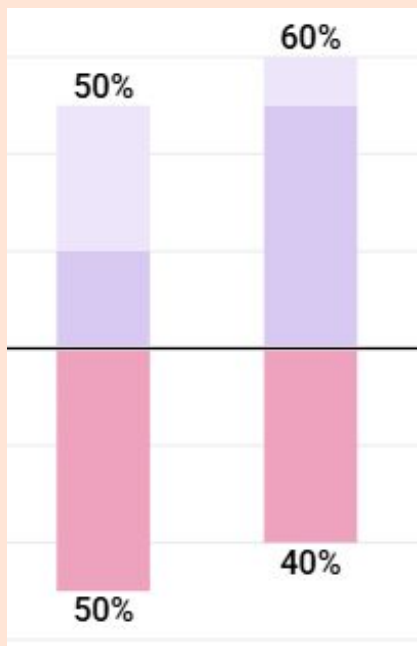
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

### Growth Of All Students In Group By Benchmark Categories: ?



## E2 Reading- Fifth Grade

Overall SPED kids= 23%



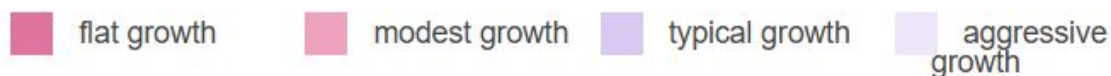
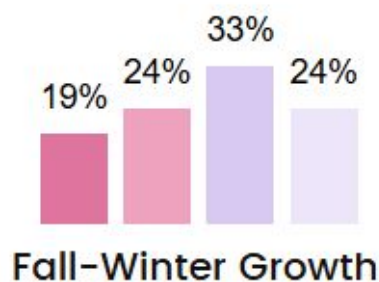
## Group Growth- 5

### aReading

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

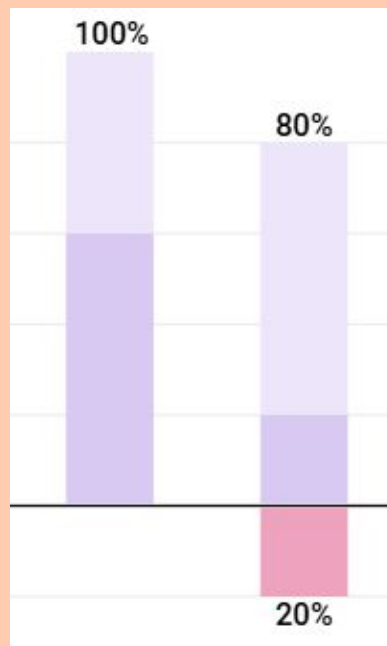
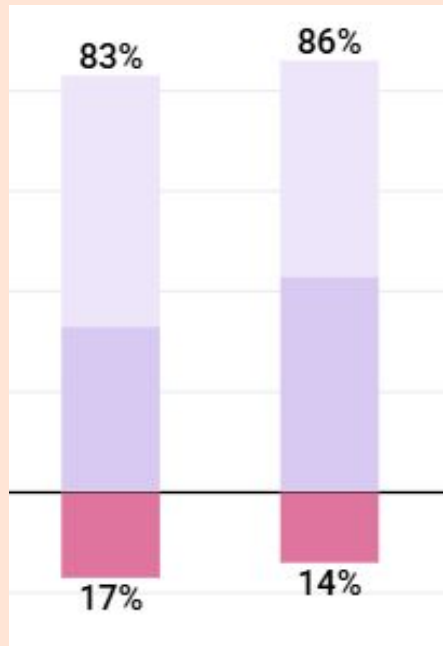
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

### Growth Of All Students In Group By Benchmark Categories: ?



## E2 Reading- Sixth Grade

Overall SPED kids= 16%



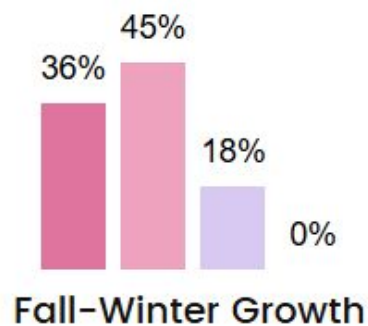
## Group Growth- 6

### aReading

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No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

### Growth Of All Students In Group By Benchmark Categories: ?



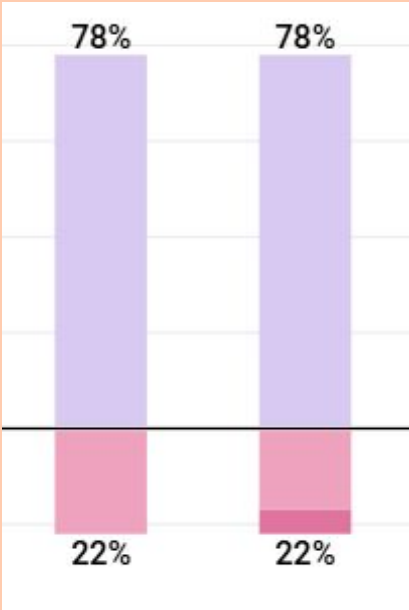
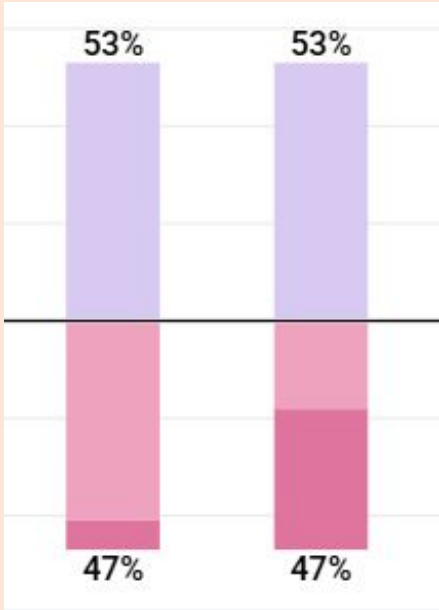
# Math Data

## EOY FastBridge Math Data

We will look at benchmark data by grade and teacher. It will show us where our students started in the fall and where they ended in the spring. Also included is the percentage of students in each grade level who receive academic SPED services.

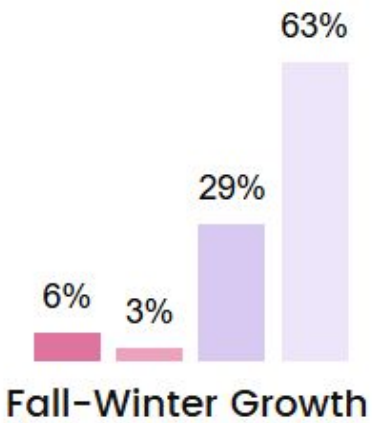
## Children’s House Math- Kindergarten

Overall SPED kids= 2%



# Group Growth- K

Growth Of All Students In Group  
By Benchmark Categories: ?



## Early Math

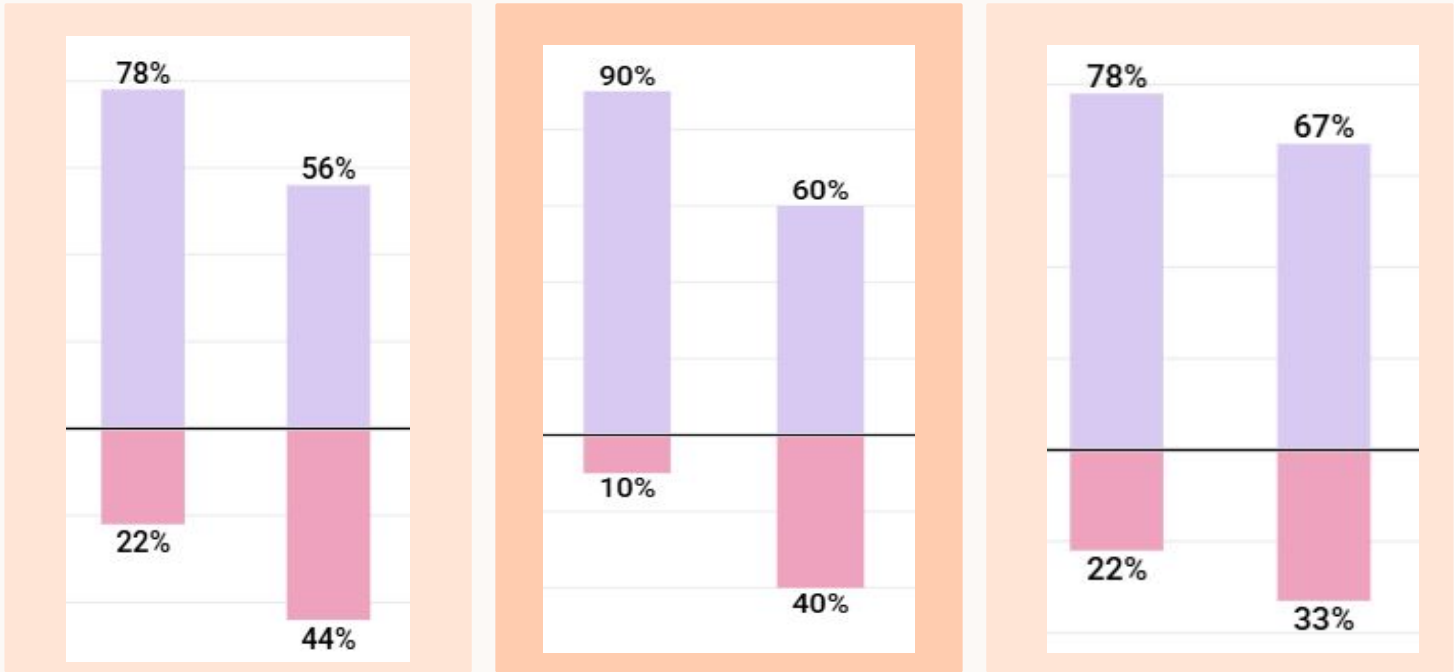
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## E1 Math- First Grade

Overall SPED kids= 10%



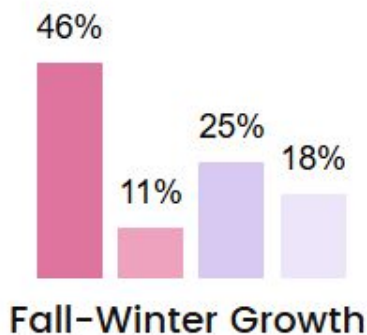
# Group Growth- 1

## Early Math

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

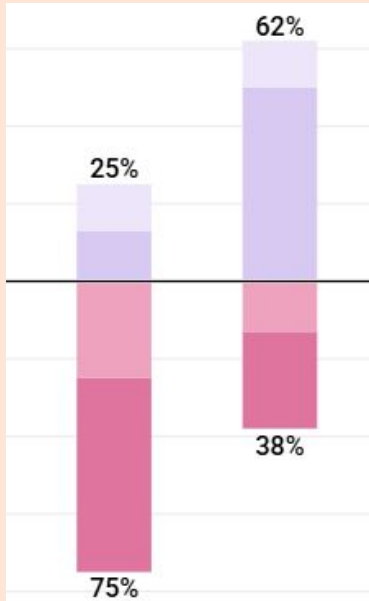
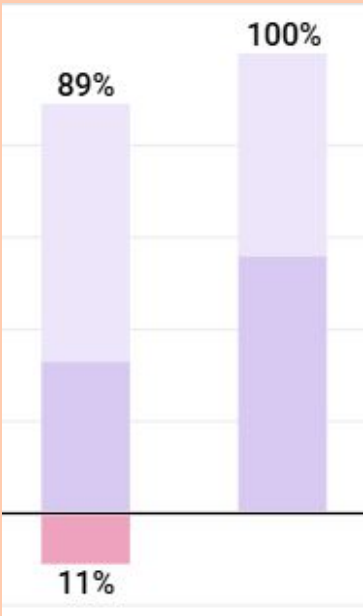
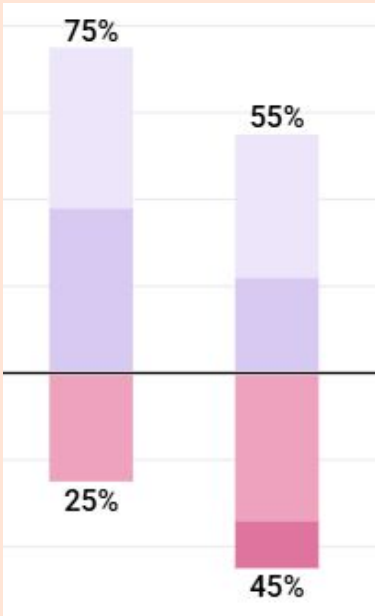
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

Growth Of All Students In Group  
By Benchmark Categories: ?



## E1 Math- Second Grade

Overall SPED kids=7%



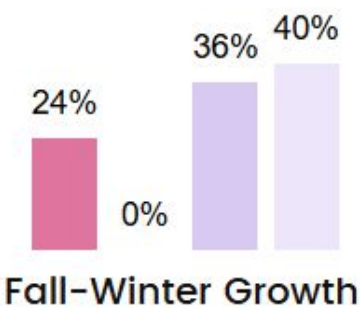
# Group Growth- 2

## aMath

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

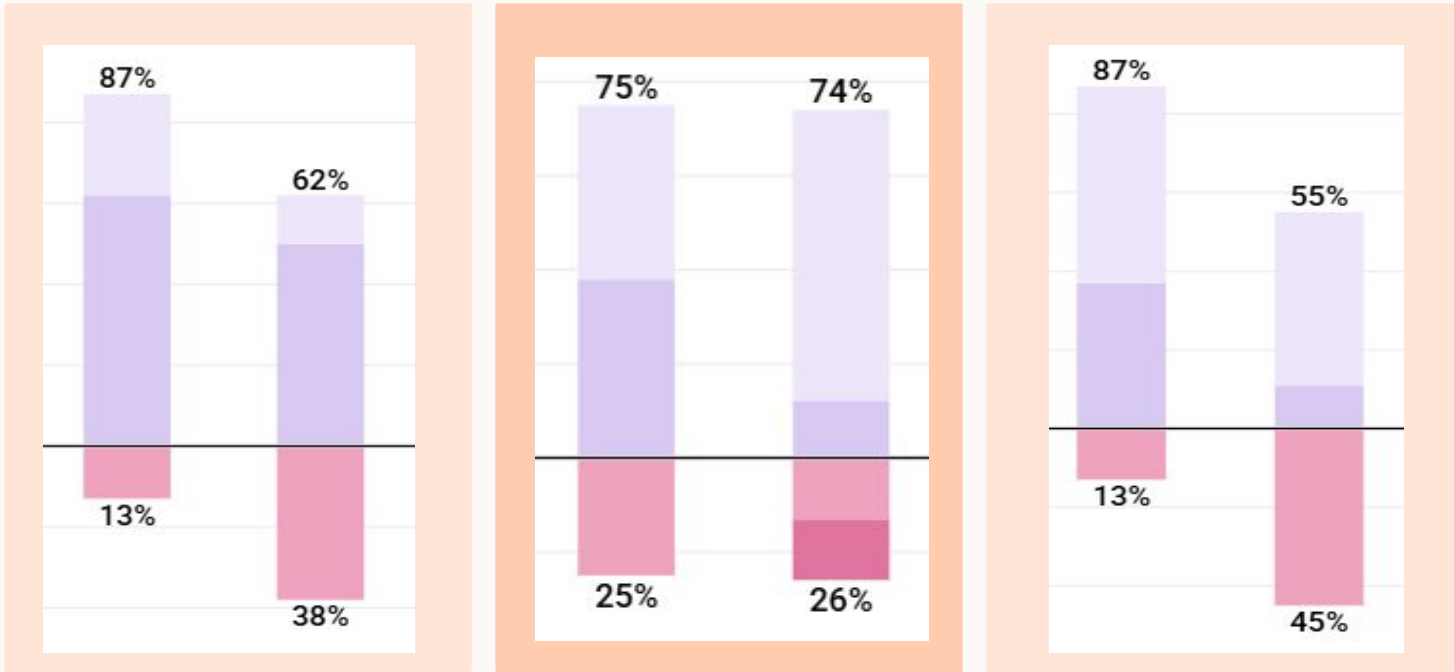
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

Growth Of All Students In Group  
By Benchmark Categories: ?



## E1 Math- Third Grade

Overall SPED kids= 20%



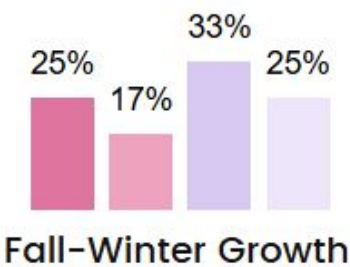
# Group Growth- 3

## aMath

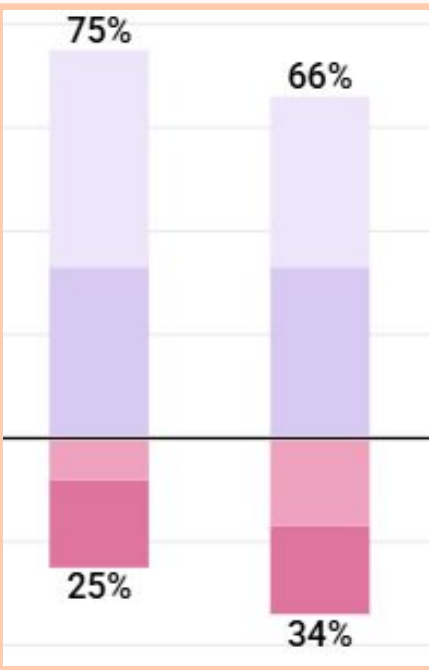
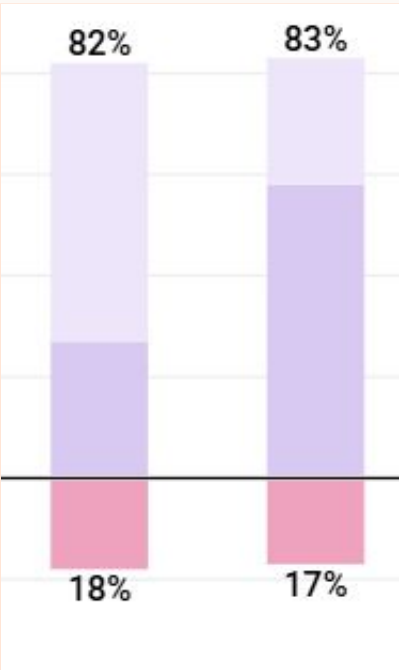
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Growth Of All Students In Group  
By Benchmark Categories: ?



## E2 Math- Fourth Grade



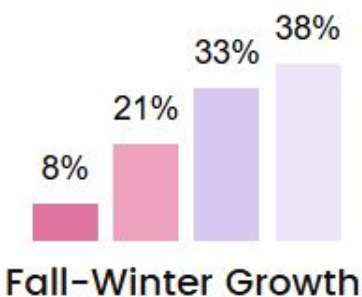
# Group Growth- 4

## aMath

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

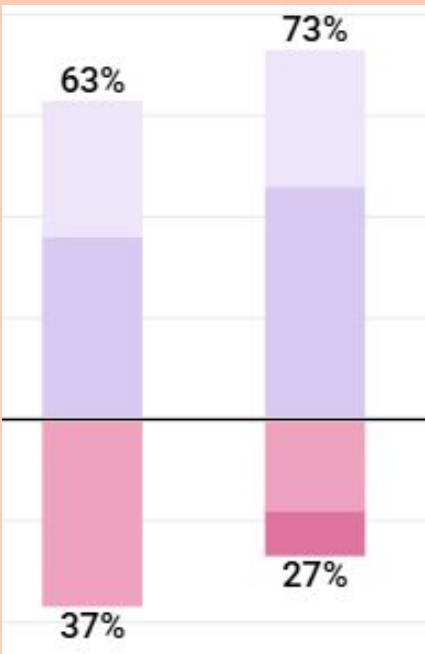
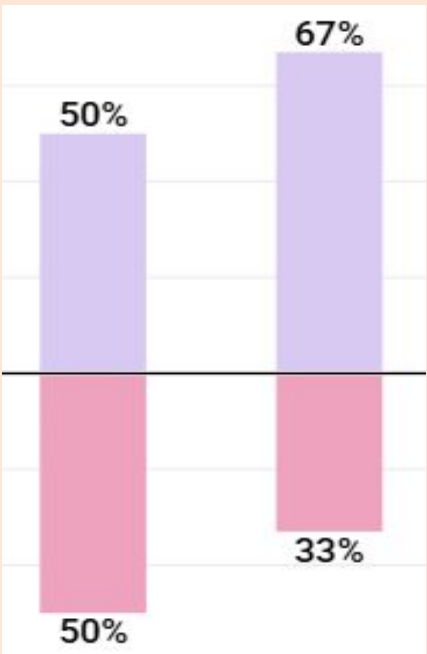
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

Growth Of All Students In Group  
By Benchmark Categories: ?



## E2 Math- Fifth Grade

Overall SPED kids= 23%



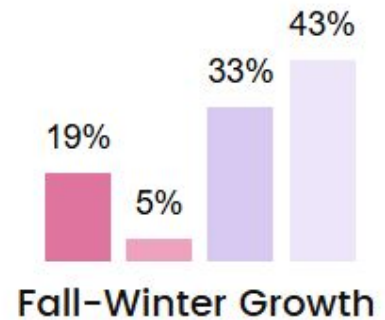
# Group Growth- 5

## aMath

Looking at the growth report is very important. We ideally would like to see a decrease in the dark pink colors and an increase of the lighter purple colors.

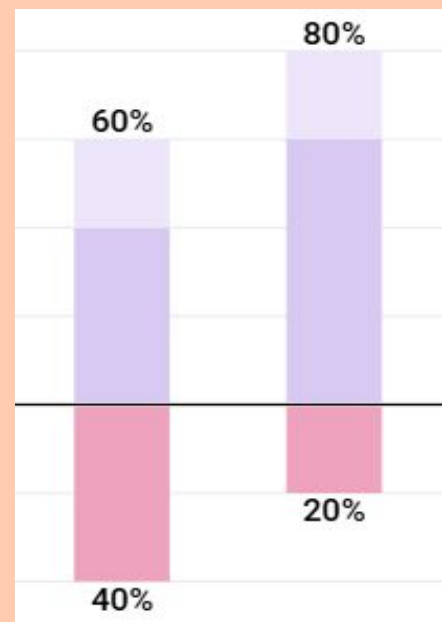
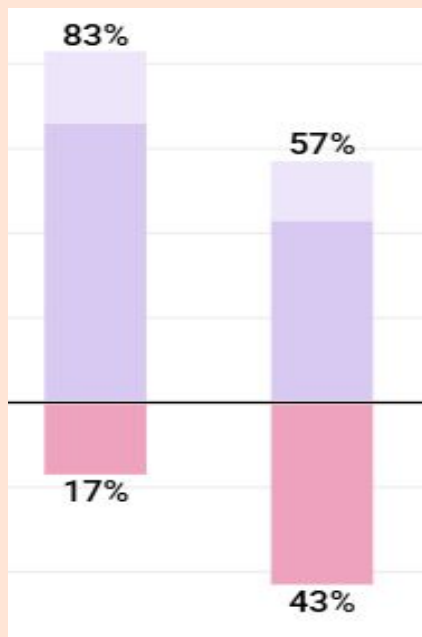
No matter the numerical score it is important that our students are growing from fall to spring. If we notice flat growth we need to ask ourselves what we can do differently as teachers to support our students.

## Growth Of All Students In Group By Benchmark Categories: ?



## E2 Math- Sixth Grade

Overall SPED kids= 16%



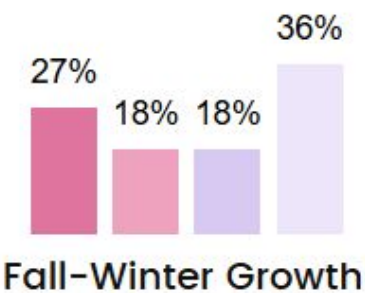
# Group Growth

## aMath

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Growth Of All Students In Group  
By Benchmark Categories: ?



**Swan River Montessori Charter School**  
**Adopted: 8.29.05**  
**Reviewed: 1.16.24**

*MSBA/MASA Model Policy 506 Charter*  
*Orig. 2022 (as Charter Policy)*  
*Rev. 2024 (June)*

Revised: \_\_\_\_\_

## **506 STUDENT DISCIPLINE**

**[NOTE: Charter schools are required by statute to have a policy addressing these issues.]**

### **I. PURPOSE**

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

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

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

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

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

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

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

### **III. DEFINITIONS**

- A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative

education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under Minnesota Statutes, sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

- B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or charter school administrator and a pupil's parent to withdraw a student from the charter school to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

#### **IV. POLICY**

- A. The charter school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - 1. for a pupil who remains enrolled in the charter school or is awaiting enrollment in a new charter school, the charter school's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The charter school must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;
  - 2. a pupil receiving school-based or school-linked mental health services in the charter school under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new charter school; and
  - 3. the charter school must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the charter school website.

#### **V. AREAS OF RESPONSIBILITY**

- A. The SRMCS Board

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

- B. School Director

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

C. Principal

The Director is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final approval by the Board of Directors. The Director shall give direction and support to all school personnel performing their duties within the framework of this policy. The Director shall consult with parents of students conducting themselves in a manner contrary to the policy. The Director shall also involve other professional employees in the disposition of Behavior referrals and shall make use of those agencies appropriate for assisting students and parents. Any staff member, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to the student or another. A principal shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

D. Teachers

All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. A teacher, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A teacher shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

E. Other Charter School Personnel

All charter school personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the director. A school employee, school bus driver, or other agent of a charter school, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A charter school employee, which does not include a school resource officer, shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

For the purpose of Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force), a school resource officer, as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c) is not a school employee or agent of the charter school.

F. Parents or Legal Guardians

Parents and guardians shall be held responsible for the behavior of their children as

determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students

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

H. Community Members

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

I. Reasonable Force Reports

1. The charter school must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
2. The charter school must report annually by July 15, in a form and manner determined by the Commissioner of the Minnesota Department of Education ("Commissioner"), data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education (MDE) as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

**VI. STUDENT RIGHTS**

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

**VII. STUDENT RESPONSIBILITIES**

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;

- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable charter school policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

#### **VIII. CODE OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by the charter school. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for charter school purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. Charter school property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the charter school does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the charter school or the safety or welfare of the student, other students, or employees.
  - 1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
  - 2. The use of profanity or obscene language, or the possession of obscene materials;
  - 3. Gambling, including, but not limited to, playing a game of chance for stakes;
  - 4. Violation of the charter school's Hazing Prohibition Policy;
  - 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
  - 6. Violation of the charter school's Student Attendance Policy;
  - 7. Opposition to authority using physical force or violence;

8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the charter school's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the charter school's Weapons Policy;
14. Violation of the charter school's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of the charter school's Internet Acceptable Use and Safety Policy;
22. Use of a cell phone in violation of the charter school's Internet Acceptable Use and Safety Policy;
23. Violation of school bus or transportation rules or the charter school's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;

25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the charter school's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the charter school's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the charter school's Bullying Prohibition Policy;
30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the charter school by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other charter school personnel;
36. Violation of the charter school's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other charter school personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
43. Violation of the charter school's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
44. Violation of the charter school's one-to-one device rules and regulations;
45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
46. Other acts, as determined by SRMCS which are disruptive of the educational process or dangerous or detrimental to the student or other students, charter school personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the charter school or the safety or welfare of students or employees.

#### **IX. RECESS AND OTHER BREAKS**

- A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The charter school is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
- C. The charter school must not use recess detention unless:
  1. a student causes or is likely to cause serious physical harm to other students or staff;
  2. the student's parent or guardian specifically consents to the use of recess detention; or
  3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The charter school must not withhold recess from a student based on incomplete schoolwork.
- E. The charter school must require school staff to make a reasonable attempt to notify a parent or guardian within twenty-four (24) hours of using recess detention.
- F. The charter school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The charter school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The charter school must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a charter school or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

#### **X. DISCIPLINARY ACTION OPTIONS**

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

- A. Student conference with teacher, the School Director and/or other charter school personnel, and verbal warning;
- B. Confiscation by charter school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any charter school policy, rule, regulation, procedure, or state or federal law. If confiscated by the charter school, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in charter school court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the charter school.

#### **XI. REMOVAL OF STUDENTS FROM CLASS**

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

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

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

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

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

- B. If a student is removed from class more than **ten (10) times** in a school year, the charter school shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

**[NOTE: The following Sections C. - J. must be developed and inserted by each charter school based upon individual charter school practices, procedures, and preferences. Charter schools may consider developing and inserting procedures identified in Sections K-N.]**

**C. Procedures for Removal of a Student from a Class.**

When a teacher determines that the student's behavior meets Swan River Montessori Charter School's grounds for removal from class, the teacher will immediately communicate with school administration concerning the problem. Upon receiving the information:

Depending on the severity of the problem, the teacher may:

1. Direct the student to report to the office or other designated area;
2. Request a school administrator or their designee to come to the class to remove the student; or
3. After securing supervision for his or her class, escort the student to the office.

After removal from class exceeds one half-hour, parents or guardians will be notified.

**Commented [1]:** This used to say 2 in the redline version. Just curious why the jump to 10? Seems like a big jump and one that we would want to notify and involve the parents sooner.

**Commented [2]:** We need to look at and adjust these to our practices and procedures.

**Commented [3R2]:** There were huge sections of the procedures removed from the redline version. Maybe some of those would have our procedures we can reference back too?

Records of disciplinary action will be kept in Swan River Montessori Charter School's student management system.

The student will be provided required class work.

School administrators or their designees will be responsible for the student.

**D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)**

1. The removal from class shall be for a period of time deemed appropriate by the school administrator, in consultation with the teacher.

Commented [4]: Change to director?

**E. Responsibility for and Custody of a Student Removed from Class.**

The student, individually or with a staff escort, as determined by the teacher and/or administration, will report to a school administrator's office or other area as designated by an IEP or equivalent;

The student will discuss the reason for removal with the school administrator or their designee. Readmission plans may be established by the student and the school administrator or designee. Depending on the length of removal or reason for removal, a student may be required to continue class work.

Until the school administrator or their designee is contacted, the teacher retains responsibility for the student. Upon administrator/designee notification, the responsibility of the removed student shifts to the school administrator or their designee.

**F. Procedures for Return of a Student to a Specific Class from which the Student was Removed.**

Prior to the return to class, the school administrator will meet with the student and parent/guardian to discuss the expectations for the return to class. Depending on the reason for removal from class, the administrator may determine that the student can return to class and discuss with the parent/guardian at a later time.

If warranted, there may be a readmission plan discussed and written by school administration, parent/guardian, student, and classroom teacher.

**G. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;**

The school administrator or their designee will communicate concerns, violations, and misconduct to parents using appropriate means (email, phone, in-person meetings, etc.)

**H. Students with a Disability; Special Provisions.**

The school administrator or their designee will meet with the case manager or special education coordinator prior to assigning appropriate consequences to students with disabilities or those who have special provisions.

Teachers or staff members who have concerns regarding a student in need of educational or behavioral assistance should consult with a school administrator or their designee.

Commented [5]: We need to add these procedures.

**I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.**

The Child Find team will serve as the chemical abuse pre-assessment team.

All chemical concerns of students shall be reported to the Director.

**J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.**

1. Administrators will determine appropriate action based on specific violations.
2. Reasonable force may be used as a last resort by an administrator or a teacher in restraining students for their protection or the protection of others in situations where potential danger to either a staff member or other students exists. Every effort will be made to initiate the school's Crisis Prevention Intervention Team to assist when possible. Corporal punishment shall not be an acceptable form of discipline in the school.
3. Disciplinary action taken may include:
  - a. Student warning.
  - b. Conference with teacher, counselor, administrators, and/or parent/guardian.
  - c. Removal from class.
  - d. After-school detention.
  - e. Loss of school privileges.
  - f. Modified school programs in accordance with due process.
  - g. Referral to school specialists, community agencies, or law enforcement authorities.
  - h. Dismissal, suspension, exclusion, or expulsion.

**Commented [6]:** We need to add procedures for this.

**K. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.**

1. Swan River Montessori Charter School is committed to fostering family/school partnerships.
2. Parents or Guardians are encouraged to attend school orientation activities prior to, or near, the start of the school year, and parent teacher conferences throughout the year.
3. When behavior is deemed inappropriate, school personnel will make a reasonable attempt to notify parents in a timely manner.

**Commented [7]:** For K-N = Charter schools may consider developing and inserting procedures identified in Sections K-N.

**Commented [8R7]:** Look over, discuss, and decide if we want to add any of these.

**L. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.**

**M. Any Procedures Determined Appropriate for Referring a Student in Need of Special Education Services to Those Services;**

1. Each school provides a system of support that include: proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments as well as for referring a student in need of special education services. Services available for early detection of behavioral problems may include:
  - a. The Child Find Team;
  - b. Counseling Support Services;
  - c. School Psychologist;
  - d. Parent or Guardian e
  - e. Special Education Personnel; and
  - f. Social Work and Mental Health Care Workers

**N. Any Procedures Determined Appropriate for Ensuring Victims of Bullying who Respond with Behavior not Allowed under the School's Behavior Policies have**

**Access to a Remedial Response, Consistent with Minnesota Statutes, section 121A.031;**

In accordance with the statute above, Swan River Montessori Charter School designates its Director as the primary contact person in the school building to receive reports of prohibited conduct and ensure the policy and its procedures, including restorative practices, consequences, and sanctions, are fairly and fully implemented, and to serve as the primary contact on policy and procedural matters implicating both the district or school and the department.

**O. Unscheduled Student Removal from Class**

A public school is encouraged to adopt a school policy on parental notification for unscheduled student removal from class. The public school must consult with child abuse prevention experts to incorporate best practices into the school policy. A public school with a policy on parental notification must include the policy in the employee handbook and disseminate information to school staff regarding child abuse prevention in a school setting.

**[NOTE: The 2024 Minnesota legislature enacted this provision, which does not require a school board to adopt policy language. Charter schools may determine whether to adopt policy language.]**

Commented [9]: Do we want to add this?

Commented [AV10R9]: I think we can leave this out

**XII. DISMISSAL**

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

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

The charter school shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and procedures before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

The use of exclusionary practices for early learners as defined in Minnesota Statutes, section 121A.425, is prohibited. The use of exclusionary practices to address attendance and truancy issues is prohibited.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

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

C. Disciplinary Dismissals Prohibited

1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:

- a. a preschool or prekindergarten program, including an early childhood family education, school readiness, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
  - b. kindergarten through Grade 3.
- 2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
- 3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension Procedures

- 1. "Suspension" means an action by the school administration, under rules promulgated by the Board of Directors, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the Board of Directors with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
- 2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a charter school or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
- 3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the charter school shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
- 4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for less than one school day, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose

consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the charter school is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another charter school or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
7. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student is in need of services under Minnesota Statutes, chapter 260C.
9. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of

Suspension.)

10. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
12. Notwithstanding the foregoing provisions, the student may be suspended pending the Board of Directors' decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the charter school's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56; describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The charter school must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE and is posted on its website.
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the charter school, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The charter school shall record the hearing proceedings at charter school

expense, and a party may obtain a transcript at its own expense.

9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The charter school shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the charter school in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the charter school. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all charter school records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any charter school employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the charter school.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the Board of Directors and served upon the parties within two (2) days after the close of the hearing.
17. The Board of Directors shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The Board of Directors may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the Board of Directors must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the Board of Directors may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minnesota Statutes, section 121A.49. The decision of the Board of Directors shall be implemented during the appeal to the Commissioner.
19. The charter school shall report any suspension, expulsion or exclusion action

taken to the appropriate public service agency, when the student is under the supervision of such agency.

20. The charter school must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the charter school.

### **XIII. ADMISSION OR READMISSION PLAN**

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

### **XIV. NOTIFICATION OF POLICY VIOLATIONS**

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

In addition, the charter school must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a charter school employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the pupil's age, grade, gender, race, and special education status.

### **XV. STUDENT DISCIPLINE RECORDS**

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

### **XVI. STUDENTS WITH DISABILITIES**

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

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a

manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the charter school will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the charter school had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the charter school shall continue to provide special education and related services during the period of expulsion or exclusion.

#### **XVII. DISCIPLINE COMPLAINT PROCEDURE**

Students, parents and other guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
2. provide an opportunity for involved parties to submit additional information related to the complaint;
3. provide a procedure to begin to investigate complaints within three (3) school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

#### **XIII. DISTRIBUTION OF POLICY**

This policy is available on the school's website ([www.swanrivermontessori.org](http://www.swanrivermontessori.org)) and is also available upon request in the Swan River's main office.

The charter school will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's

**Commented [11]:** I think we should put the full school name here.

**Commented [12R11]:** or change it to just "school's"

office.

## **XIX. REVIEW OF POLICY**

The School Director and the Board of Directors parents, students and staff in each school building shall confer at least annually to review this discipline policy at least bi-annually to determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes from the School Director shall be submitted to the Board of Directors for consideration.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Preassessment Teams)  
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
Minn. Stat. §§ 121A.40-121A.56 and 121A.575 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
Minn. Stat. § 121A.58 (Corporal Punishment; Prone Restraint; And Certain Physical Holds)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. §§ 121A.60 (Definitions)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 121A.611 (Recess and Other Breaks)  
Minn. Stat. § 122A.42 (General Control of Schools)  
Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)  
Minn. Stat. § 124E.03 (Applicable Law)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 152.22, Subd. 6 (Definitions)  
Minn. Stat. § 152.23 (Limitations)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

**Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)  
MSBA/MASA Model Policy 501 (School Weapons)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 503 (Student Attendance)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 507.5 (School Resource Officers)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)  
MSBA/MASA Model Policy 610 (Field Trips)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

**Commented [13]:** should these time periods be consistent? or are they referring to different things?

**Commented [14R13]:** Reading it again, it is referring to different things and the wording should remain as they are.

## Swan River Montessori Charter School

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 509 Charter  
Orig. 2022 (as Charter Policy)  
Rev. 2024

Revised: \_\_\_\_\_

### 509 ADMISSION AND ENROLLMENT

#### I. PURPOSE

The Swan River Montessori Charter School Board of Directors acknowledges that the application and enrollment process for charter schools is unique in comparison to traditional public school systems. Therefore, the purpose of this policy is to disseminate SRMCS application and enrollment procedures that the charter school utilizes.

#### II. GENERAL STATEMENT OF PURPOSE

The Swan River Montessori Charter School Board of Directors believes that parents have the responsibility to select the most appropriate educational programs for their children and that parental commitment to the educational program is a significant and positive choice. The Board also recognizes that choice in the selection of a public school provides parents and learners an opportunity to seek a school that best fits their needs and interests. This policy addresses the terms and conditions of student applications and enrollment into Swan River Montessori Charter School.

**[NOTE: The charter school should insert a statement that reflects the school's mission and purpose as they relate to admission of students.]**

**Commented [1]:** We need to add something here that aligns with Swan River's mission and purpose.

#### III. ADMISSION LIMITATIONS

- A. The charter school, including its preschool or prekindergarten program established under Minnesota Statutes, section 124E.06, subdivision 3, paragraph (b), may limit admission to:
  1. pupils within an age group or grade level;
  2. pupils who are eligible to participate in the graduation incentives program under Minnesota Statutes, section 124D.68; or
  3. residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.
- B. The charter school shall comply with the Minnesota Human Rights Act, which prohibits educational institutions from discriminating against students based on a protected class including race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation or disability.
- C. Charter schools must disseminate information about the school's offerings and enrollment procedures to families that reflect the diversity of Minnesota's population and targeted groups. Targeted groups include low-income families and communities, students of color, students at risk of academic failure, and students underrepresented in the school's student body relative to Minnesota's population. The school must document its dissemination activities in the school's annual report. The school's dissemination activities must be a component of the authorizer's performance review of the school.

#### IV. ENROLLMENT

**A. General Application**

1. Applications for all levels will be available on the school website or by request via phone or email.
2. Student applications for a school year that is in progress are accepted during the year. Students may be admitted if space is available throughout the year.
3. Applications will be made available for an upcoming school year on the first day in January. Any applicants to be considered for the lottery process must have an application submitted to administration by the end of business on the 15<sup>th</sup> day on the calendar of that January.
4. Applications received beginning January 15<sup>th</sup> and will be accepted and processed in the order they are received.
5. Applications for students may only be submitted for one grade
6. A new application must be submitted each year for any student that is not currently enrolled. They do not carry over from year to year.
  - a. Families of enrolled students will be sent an "Intent to Return" form each December to formally identify students that will not be returning the following year (for the purpose of potential recruitment).
  - b. Students that do not submit an Intent to Return Form will remain enrolled.

**Eligibility**

1. Tuition-based Pre-K
  - a. Children must be 33 months of age by their first date of attendance.
  - b. Enrollment in each classroom environment shall not exceed 7 preschool children.
  - c. No preference for K enrollment may be given to BMS Pre-K students based on their attendance or enrollment in the Pre-K program.

**SRMCS Public Charter School (K-6)**

1. To attend Kindergarten, a student must be "at least 5 years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences." MN 124E.11
2. To attend first grade, a student must be "at least 6 years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed Kindergarten." MN 124E.11
3. Swan River Montessori Charter School has philosophically chosen not to offer early Kindergarten (September 2 or later) or early first grade enrollment:
  - a. "A charter school may establish and publish on its website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in [MN Statute 124E.11] paragraphs (b) and (c).
4. Preference is given to a Minnesota resident student. A student who does not reside in MN must apply annually to enroll. See section IV, C, 2.

**Enrollment**

1. Swan River Montessori Charter School, including its preschool or prekindergarten program established under Minnesota Statutes, section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. Swan River Montessori Charter School must develop and publish, including on its website, a lottery policy and process that it must use when accepting pupils by lot.
  - a. Students will be enrolled as indicated by their chronological ages.
    - i. Students who transfer from another school will be placed in the grade indicated by transfer records.
  - b. If the number of applications exceeds the given capacity, students will be accepted by lottery.
  - c. The classroom or program level may only be overenrolled under special circumstances and at the discretion of the director.

~~The charter school, including its preschool or prekindergarten program established under Minnesota Statutes, section 124E.06, subdivision 3, paragraph (b), shall enroll an~~

eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its web site, a lottery policy and process that it must use when accepting pupils by lot.

**[NOTE: The Minnesota Department of Education recommends that charter schools include their local lottery process in this policy. This step helps to ensure that the policy and the lottery process are consistent.]**

- B. Admission to a charter school must be free to any eligible pupil who resides within the state. A charter school must give enrollment preference to a Minnesota resident pupil over pupils that do not reside in Minnesota. A charter school must require a pupil who does not reside in Minnesota to annually apply to enroll in accordance with Minnesota Statutes, section 124E.11, paragraphs (a) to (f).
- C. The charter school must give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot. A staff member eligible for an enrollment preference for their child, including a foster child, must be an individual employed at the school whose employment is stipulated in advance to total at least 480 hours in a school calendar year.  
  
\*Since the SRMCS pre-k program is tuition-based, no preference may be given for enrollment into kindergarten based on pre-k enrollment. Refer to the previous two options.
- D. A person may not be admitted to the charter school (1) as a kindergarten pupil, unless the pupil is at least five (5) years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six (6) years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs A and B.
- E. Except as permitted in paragraphs D and I, the charter school, including its preschool or prekindergarten program established under Minnesota Statutes, section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this section.
- F. The charter school or any agent of the school must not distribute any services or goods, payments, or other incentives of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.
- G. Once a student who resides in Minnesota is enrolled in the school in kindergarten through grade 12, or in the school's free preschool or prekindergarten program under Minnesota Statutes, section 124E.06, subdivision 3, paragraph (b), the student is considered enrolled in the school until the student formally withdraws, the school receives a request for the transfer of educational records from another school, the school receives a written election by the parent or legal guardian of the student withdrawing the student, or the student is expelled under the Pupil Fair Dismissal Act in Minnesota Statutes, sections 121A.40 to 121A.56.
- H. A charter school with at least ninety(90) percent of enrolled students who are eligible for special education services and have a primary disability of deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under Minnesota Statutes, section 126C.05, subdivision 1, paragraph (a), and must comply with the federal

**Commented [2]:** I agree it would be a good idea to add that to the policy. Would it be best to insert it here or just attach it at the end of the policy.

Individuals with Disabilities Education Act under 34 Code of Federal Regulations, section 300.324, subsection (2), clause (iv).

**The SRMCS Board may choose to retain the procedures in this policy or to remove the procedures and make them available elsewhere**

- I. A charter school serving at least ninety (90) percent of enrolled students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing. The charter school may not limit admission based on the student's eligibility for additional special education services.

**Legal References:** Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 124E.11 (Admission Requirements and Enrollment)  
Minn. Stat. § 124E.17 (Charter School Information)  
Minn. Stat. § 363A.13 (Educational Institution)

**Cross References:** None

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Swan River Montessori Charter School

Adopted: 8.29.05  
Reviewed: 12.17.24

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 514 Charter  
Orig. 2022 (as Charter Policy)  
Rev. 2024

Revised: \_\_\_\_\_

## **514 BULLYING PROHIBITION POLICY**

**[NOTE: Charter schools are required by statute to have a policy addressing bullying.]**

### **I. PURPOSE**

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. Swan River Montessori Charter Montessori School (SRMCS) 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 SRMCS and the rights and welfare of its students and is within the control of the SRMCS in its normal operations, it is SRMCS's intent 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 SRMCS 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:
1. on SRMCS property or at school-related premises, at the school functions or activities, on the school transportation;
  2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
  3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.
- C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of SRMCS or the safety or welfare of the student, other students, or employees, materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or

**Commented [1]:** should this be a period?

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 charter school property and/or with or without the use of charter school resources. This policy also applies to sexual exploitation.

- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

Malicious and sadistic conduct and sexual exploitation by a charter school or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.

- E. No teacher, administrator, volunteer, contractor, or other employee of the charter school shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with SRMCS's policies and procedures SRMCS 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 prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The charter school shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the charter school, 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 SRMCS property and events and/or termination of services and/or contracts.

SRMCS will act to investigate all complaints of bullying reported to the charter school and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of SRMCS 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, malicious and sadistic conduct, and sexual exploitation.

- 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 charter school property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

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

- D. "Intimidating, threatening, abusive, or 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. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

- F. "On school premises, on charter school property, at school functions or activities, or on school transportation" means all SRMCS 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 SRMCS purposes, the area of entrance or departure from school grounds, premises, or events,

and all school-related functions, school-sponsored activities, events, or trips. SRMCS 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, SRMCS does not represent that it will provide supervision or assume liability at these locations and events.

- G. "Prohibited conduct" means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct.
- H. "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.
- I. "Student" means a student enrolled in a charter school.

#### IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate official SRMCS designated by this policy. A person may report bullying anonymously. However, the charter school may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. SRMCS 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 charter school office, but oral reports shall be considered complaints as well.
- C. The Director is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to the Director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the executive director or the charter school human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the charter school 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 Director immediately. Charter school 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.

**Commented [2]:** Do we need to list an alternative person, such as the school board since we don't have that middle admin person?

- 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. SRMCS 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 SRMCS' obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

#### **V. CHARTER SCHOOL ACTION**

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

SRMCS will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of SRMCS 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. SRMCS annually will provide information and any applicable training to SRMCS staff regarding this policy.
- B. Consistent with its applicable policies and practice, the charter school must discuss this policy with students, school personnel and volunteers and provide appropriate training for all charter school personnel to prevent, identify, and respond to prohibited conduct. The charter school shall establish a training cycle for school personnel to occur during a period not to exceed every three (3) school years. Newly employed school personnel must receive the training within the first year of their employment with the charter school. The charter school 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.
- C. The charter school shall require ongoing professional development, consistent with Minnesota Statutes, section 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.
- D. The charter school annually will provide education and information to students regarding bullying, including information regarding this SRMCS policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- E. The administration of SRMCS may 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.
- F. 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'

**Commented [3]:** Is this on the rotation for at least every 3 years?

**Commented [4R3]:** Yes, this is done annually with back to school training.

knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

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

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

#### **VIII. NOTICE**

- A. The charter school will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. Article II, paragraph D, regarding malicious and sadistic conduct must be conspicuously posted throughout each school building, in the administrative offices of the charter school, and in the office of each school.
- C. This policy shall be conspicuously posted in the administrative offices of the charter school in summary form.
- D. This policy must be distributed to each charter school employee and independent contractor, if the contractor regularly interacts with students, at the time of employment with the charter school.
- E. 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.

- F. This policy shall be available to all parents and other school community members in an electronic format in the languages appearing on the charter school's website, consistent with charter school policies and practices.
- H. The charter school shall provide an electronic copy of its most recently amended policy to the Commissioner of the Minnesota Department of Education.

## **IX. POLICY REVIEW**

To the extent practicable, the school board shall, on a cycle consistent with other charter school policies, review and revise this policy. The policy shall be made consistent with Minnesota Statutes, sections 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Model Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)  
Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. Ch. 124E (Charter Schools)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 423 (Employee-Student Relationships)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment and Prior Restraint)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

## Swan River Montessori Charter School

Adopted: 8.29.05  
Reviewed: 1.24.23

Adopted: \_\_\_\_\_

Revised: \_\_\_\_

MSBA/MASA Model Policy 515 Charter  
Orig. 1995 (ISD)  
Orig. 2022 (Charter)  
Rev. 2025

### 515 PROTECTION AND PRIVACY OF PUPIL RECORDS

**[NOTE: Charter schools are required by statute to have a policy addressing these issues.]**

#### I. PURPOSE

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

#### II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the charter school, pursuant to the requirements of 20 United States Code, section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations, part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, and Minnesota Rules, parts 1205.0100-1205.2000.

#### III. DEFINITIONS

##### A. Authorized Representative

"Authorized representative" means any entity or individual designated by the charter school, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

##### B. Biometric Record

"Biometric record," as referred to in "Personally Identifiable," means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

##### C. Dates of Attendance

"Dates of attendance," as referred to in "Directory Information," means the period of time during which a student attends or attended a school or schools in the charter school, including attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the charter school.

D. Directory Information

1. **[Insert charter school definition of "directory information" here]**

**[NOTE: Please see the MSBA Charter School Policy Services Newsletter (June 2025) for detailed guidance on creating a definition of "directory information."]**

**Commented [1]:** We need to enter this definition for ourselves.

E. Education Records

1. What constitutes "education records." Education records means those records that are: (1) directly related to a student; and (2) maintained by the charter school or by a party acting for the charter school.

2. What does not constitute education records. The term "education records" does not include:

- a. Records of instructional personnel that are:

- (1) kept in the sole possession of the maker of the record;
- (2) used only as a personal memory aid;
- (3) not accessible or revealed to any other individual except a temporary substitute teacher; and
- (4) destroyed at the end of the school year.

- b. Records of a law enforcement unit of the charter school, provided education records maintained by the charter school are not disclosed to the unit, and the law enforcement records are:

- (1) maintained separately from education records;
- (2) maintained solely for law enforcement purposes; and
- (3) disclosed only to law enforcement officials of the same jurisdiction.

- c. Records relating to an individual, including a student, who is employed by the charter school which:

- (1) are made and maintained in the normal course of business;
- (2) relate exclusively to the individual in that individual's capacity as an employee; and
- (3) are not available for use for any other purpose.

However, records relating to an individual in attendance at the charter school who is employed as a result of his or her status as a student are education records.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:

- (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the charter school.
- e. Records created or received by the charter school after an individual is no longer a student at the charter school and that are not directly related to the individual's attendance as a student.
- f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes, section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes, section 13.05 or a court order.

G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

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

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

J. Parent

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

K. Personally Identifiable

"Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the charter school reasonably believes knows the identity of the student to whom the education record relates.

L. Record

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

M. Responsible Authority

"Responsible authority" means *[designate title and actual name of individual]*.

**Commented [2]:** We need to put the name and title of who is responsible for Swan River.

N. Student

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

O. School Official

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

**[NOTE: Charter schools may wish to reference police liaison officers in the definition of a "school official." Depending on the circumstances of the relationship, this may be added in subpart (d) of the definition or in a new subpart (e). Caution should be used to ensure that police liaison officers are considered "school officials" only when performing duties as a police liaison officer and that they are trained as to their obligations pursuant to this policy. Consultation with the charter school's legal counsel is recommended.]**

**Commented [3]:** Decide if we include this or not.

P. Summary Data

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

Q. Other Terms and Phrases

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

#### **IV. GENERAL CLASSIFICATION**

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

#### **V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the charter school to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Article XXI. of this policy.

B. Eligible Students

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

conditions of any provision set forth in 34 Code of Federal Regulations, section 99.31(a).

C. Students with a Disability

The charter school shall follow 34 Code of Federal Regulations, sections 300.610-300.617 with regard to the privacy, notice, access, recordkeeping, and accuracy of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

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

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

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

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

- 1. To other school officials, including teachers, within the charter school whom the charter school determines have a legitimate educational interest in such records;
- 2. To a contractor, consultant, volunteer, or other party to whom the charter school has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the charter school would otherwise use employees;
  - b. is under the direct control of the charter school with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
- 3. To officials of other schools, charter schools, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Article XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student

Succeeds Act, 20 United States Code section 7917, *[insert the following if the charter school has a policy regarding Staff Notification of Violent Behavior by Students]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes, section 260B.171, unless the data are required to be destroyed under Minnesota Statutes, section 120A.22, subdivision 7(c) or section 121A.75. On request, the charter school will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Article XV. of this policy;

**Commented [4]:** Do we have this policy??? So, should we include it?

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

"Financial aid" for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the charter school that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the charter school shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the

study was conducted, and the charter school enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the charter school to whom information is disclosed violates this provision, the charter school may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the charter school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 United States Code, section 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the charter school initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the charter school to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against the charter school, the charter school may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the charter school to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the charter school may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Paragraph XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed

a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the charter school and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the charter school has designated as "directory information" pursuant to Article VII. of this policy;
14. To military recruiting officers and postsecondary educational institutions pursuant to Article XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

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

20. To the principal where the student attends if it is information from a peace officer's record of children received by an executive director under Minnesota Statutes, section 260B.171, subdivision 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other charter school employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies

and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements; or

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code, section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.
23. When requested, and in accordance with requirements for parental consent in 34 Code of Federal Regulations, section 300.622(b)(2), and part 99, educational agencies or institutions may share personal student contact information and directory information for students served in special education with postsecondary transition planning and services under Minnesota Statutes, section 125A.08, paragraph (b), clause (1), whether public or private, with the Minnesota Department of Employment and Economic Development, as required for coordination of services to students with disabilities under Minnesota Statutes, sections 125A.08, paragraph (b), clause (1); 125A.023; and 125A.027.

**[NOTE: The 2025 Minnesota legislature amended Minnesota Statutes, section 13.32, subdivision 5, to include this update.]**

C. Nonpublic School Students

The charter school may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

## VII. RELEASE OF DIRECTORY INFORMATION

A. Educational Data

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must

be designated pursuant to the provisions of:

- a. Minnesota Statutes, section 13.32, subdivision 5; and
  - b. 20 United States Code, section 1232g, and 34 Code of Federal Regulations, section 99.37, which were in effect on January 3, 2012.
2. The charter school may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under Minnesota Statutes, section 13.32.
  3. A parent's personal contact information must be treated as private data on individuals regardless of whether that contact information was previously designated as or treated as directory information under Minnesota Statutes, section 13.32, subdivision 2.
  4. When requested, the charter school must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, SRMCS may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this Article. In addition, under an explicit exclusion from the definition of an "education record," SRMCS may release records that only contain information about an individual obtained after he or she is no longer a student at the charter school and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the charter school).

C. Present Students and Parents

SRMCS may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein.

1. When conducting the directory information designation and notice process required by federal law, the charter school shall give parents and students notice of the right to refuse to let the charter school designate specified data about the student as directory information.
2. The charter school shall give annual notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the charter school has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let the charter school designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the charter school in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.

**[NOTE: Federal law allows a charter school to specify that the**

**disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the charter school chooses to impose these limitations, it is advisable to add a new Subparagraph VII.C.3. that specifies that disclosures of directory information will be limited to specific parties and/or for specific purposes and identify those parties and/or purposes. To the extent a charter school adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the charter school are advised. This is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure, but also the additional administrative requirements such restrictions will place on the charter school.]**

**Commented [5]:** We should talk about if we add this subparagraph.

2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the charter school in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Article VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the charter school from disclosing or requiring the student to disclose the student's name, ID, or charter school e-mail address in a class in which the student is enrolled; or
  - b. prevent the charter school from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the charter school as directory information.
4. The charter school shall not disclose or confirm directory information without meeting the written consent requirements contained in Paragraph VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

student provides the written notifications provided herein.

## **VIII. DISCLOSURE OF PRIVATE RECORDS**

### **A. Private Records**

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The charter school may not disclose private records or their contents except as summary data, or except as provided in Article VI. of this policy, without the prior written consent of the parent or the eligible student. The charter school will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

### **B. Private Records Not Accessible to Parent**

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

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
  - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
  - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
  - e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes, sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

### **C. Private Records Not Accessible to Student**

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

### **D. Military-Connected Youth Identifier**

When a charter school updates its enrollment forms in the ordinary course of business, the charter school must include a box on the enrollment form to allow students to self-

identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

## **IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

### **A. Confidential Records**

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

### **B. Reports Under the Maltreatment of Minors Reporting Act**

Pursuant to Minnesota Statutes, chapter 260E, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the charter school. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes, chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes, chapter 260E, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

### **C. Investigative Data**

Data collected by the charter school as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The charter school may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the charter school determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the charter school.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other charter school students, charter school employees, and/or attorney data as defined in Minnesota Statutes, section 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of

this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:

- a. a decision by the charter school, or by the chief attorney for the charter school, not to pursue the civil legal action. However, such investigation may subsequently become active if the charter school or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

To the extent the charter school maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

**X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING**

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

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POSTSECONDARY EDUCATIONAL INSTITUTIONS**

- A. The charter school will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the charter school, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and postsecondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
  1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
  3. copying fees shall not be imposed.
- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational

institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority *[designate title of individual, i.e., building principal]* in writing by *[date]* each year. The written request must include the following information:

Commented [6]: WE need to fill this information in.

1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the charter school will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and postsecondary educational institutions does not affect the charter school's release of directory information to the rest of the public, which includes military recruiting officers and postsecondary educational institutions. In order to make any directory information about a student private, the procedures contained in Article VII. of this policy also must be followed. Accordingly, to the extent the charter school has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and postsecondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisdisclosure**

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

### **B. Redisdisclosure Not Prohibited**

1. Paragraph A. of this section does not prevent the charter school from disclosing personally identifiable information under Article VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the charter school provided:
  - a. The disclosures meet the requirements of Article VI. of this policy; and
  - b. The charter school has complied with the record-keeping requirements

of Article XIII. of this policy.

2. Paragraph A. of this Article does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code, section 14071. However, the charter school must provide the notification required in Paragraph XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

**[NOTE: 42 United States Code, section 14071 was repealed. Charter schools should retain this statutory reference, however, as it remains a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]**

Commented [7]: I think we can remove this note, right?

C. Classification of Disclosed Data

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

D. Notification

The charter school shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Article VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations, section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of the charter school improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the charter school may not allow that third party access to personally identifiable information from education records for at least five (5) years.

### **XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING**

A. Responsible Authority

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

B. Record Security

The School Director, the Operations Manager, and/or a designee, shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

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

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

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

D. Review of Written Plan for Securing Student Records

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

Commented [8]: Do we have a chart to go along with this?

E. Record Keeping

1. The director shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record, with the education records of the student, that indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the charter school discloses personally identifiable information from an education record of a student pursuant to Paragraph XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the charter school;
  - b. the legitimate interests under Article VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Subparagraph VI.B.4. of this policy in accordance with 34 Code of Federal Regulations, section 99.32 and to whom the charter school disclosed information from an education record. The charter school shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Subparagraph XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Subparagraph VI.B.1. of this policy, to requests for disclosures of directory information under Article VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in

response to the subpoena not be disclosed or as directed by an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B) or an act of domestic or international terrorism.

**[NOTE: While Subparagraph XIII.E.1. does not apply to requests for or disclosures of directory information under Article VII. of this policy, to the extent the charter school chooses to limit the disclosure of directory information to specific parties, for specific purposes, or both, it is advisable that records be kept to identify the party to whom the disclosure was made and/or purpose for the disclosure.]**

**Commented [9]:** Discuss what we want to do with this.

**Commented [10R9]:** Then I think we would delete it and not include it in the final policy, right?

4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the charter school.
5. The charter school shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the charter school disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the charter school maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

The right to inspect and review education records under Paragraph A. of this Article includes:

1. The right to a response from the charter school to reasonable requests for explanations and interpretations of records; and

2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the charter school shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

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

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. The charter school shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the charter school shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the charter school in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine-based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.

2. If one hundred (100) or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than twenty-five (25) cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

#### **XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

##### **A. Request to Amend Education Records**

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

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the charter school to make. The request shall be signed and dated by the requestor.
2. SRMCS shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If SRMCS decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Paragraph B. of this Article.

##### **B. Right to a Hearing**

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

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

charter school; and

- b. if the education records of the student or the contested portion thereof is disclosed by the charter school to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the charter school has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the charter school who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Paragraph A. and B. of this Article and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The charter school shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minnesota Statutes, chapter 14 relating to contested cases.

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means Director of SRMCS.
- C. Any request by an individual with a disability for reasonable modifications of the charter school's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

## **XVIII. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The charter school may not require such a waiver.

## **XIX. ANNUAL NOTIFICATION OF RIGHTS**

### **A. Contents of Notice**

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the charter school to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the charter school has determined to have legitimate educational interests; and
6. That the charter school forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

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

### **C. Notification to Parents or Eligible Students Who are Disabled**

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

## **XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by the charter school shall be controlled by state and federal law.

## **XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the SRMCS office. This policy will also be made available to the public via the SRMCS web site.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.32, Subd. 5 (Directory Information)  
Minn. Stat. § 13.393 (Attorneys)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)  
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)  
Minn. Stat. Ch. 256L (MinnesotaCare)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 480.40 (Personal Information, Dissemination)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)  
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)  
25 U.S.C. § 5304 (Definitions – Tribal Organization)  
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)  
42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273 309 (2002)  
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

**Cross References:** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
MSBA/MASA Model Policy 520 (Student Surveys)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 722 (Public Data Requests)  
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)  
MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

**Swan River Montessori Charter School**  
**Adopted: 8.19.25**  
**Reviewed:**

*MSBA/MASA Model Policy 520 Charter*  
*Orig. 1995 (as ISD Policy)*  
*Orig. 2022 (as Charter Policy)*

Revised: \_\_\_\_\_

## **520 STUDENT SURVEYS**

**[NOTE: Charter schools are required by statute to have a policy addressing student surveys.]**

### **I. PURPOSE**

Occasionally, Swan River Montessori Charter School 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.

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

Student surveys may be conducted as determined necessary by Swan River Montessori Charter School. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 United States Code, section 1232h.

### **III. STUDENT SURVEYS IN GENERAL**

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. No requirement that the student return the survey shall exist, and no record of the student's returning a survey will be maintained.
- B. The Executive Director may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality, and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or has the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent for a student to participate in a survey will be maintained by the charter school in a file separate from the survey responses.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the charter school will take appropriate steps to ensure the data is protected in accordance with Minnesota Statutes, chapter 13 (Minnesota Government Data Practices Act), 20 United States Code, section 1232g (Family Educational Rights and Privacy Act) and 34 Code of Federal Regulations, Part 99.
- E. The charter school must not impose an academic or other penalty on a student who opts out of participating in a student survey.

### **IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM**

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.
- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
1. political affiliations or beliefs of the student or the student's parent;
  2. mental and psychological problems of the student or the student's family;
  3. sex behavior or attitudes;
  4. illegal, antisocial, self-incriminating, or demeaning behavior;
  5. critical appraisals of other individuals with whom respondents have close family relationships;
  6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  7. religious practices, affiliations, or beliefs of the student or the student's parent; or
  8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

When SRMCS receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with Sections IV.A. and IV.B., above, concerning student privacy, parental access to information, and administration of certain physical examinations to minors.

Commented [1]: "it shall" ????

1. The following policies are to be adopted in consultation with parents:
  - a. The right of a parent to inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including procedures for granting a parent's request for reasonable access to such survey within a reasonable period of time after the request is received.

"Parent" means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.
  - b. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent of a student to inspect, on request, any such survey.
  - c. The right of a parent of a student to inspect, on request, any instructional material used as part of the educational curriculum for the student and procedures for granting a request by a parent for such

access within a reasonable period of time after the request is received.

“Instructional material” means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (i.e., materials accessible through the Internet). The term does not include academic tests or academic assessments.

- d. The administration of physical examinations or screenings that the charter school may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 United States Code, section 1400, *et seq.*).
- e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the charter school in the event of such collection, disclosure, or use.
  - (1) “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.
  - (2) This provision does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:
    - (a) college or other postsecondary education recruitment or military;
    - (b) book clubs, magazines, and programs providing access to low cost literary products;
    - (c) curriculum and instructional materials used by elementary and secondary schools;
    - (d) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistically useful data for the purpose of securing such tests and assessments and the subsequent analysis and public release of the aggregate data from such tests and assessments;
    - (e) the sale by students of products or services to raise funds for school-related or education-related activities; and
    - (f) student recognition programs.
  - (3) The right of a parent to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered

or distributed to a student and procedures for granting a request by a parent for reasonable access to such an instrument within a reasonable period of time after the request is received.

2. The policies adopted under Section IV.C., Subparagraph 1., above, shall provide for reasonable notice of the adoption or continued use of such policies directly to parents of students enrolled in or served by the charter school.
  - a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
  - b. The notice will provide parents with an opportunity to opt out of participation in the following activities:
    - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
    - (2) The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.
    - (3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or other students.

“Invasive physical examination” means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
  - c. The notice will advise students of the specific or approximate dates during the school year when the activities in Section IV.C.2., Subparagraph b., above, are scheduled, or expected to be scheduled.
  - d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.

## **V. NOTICE**

- A. SRMCS will provide notice of this policy at the beginning of each school year and after making substantive changes to this policy.
- B. The charter school must inform parents at the beginning of the school year if the school has identified specific or approximate dates for administering surveys and give parents reasonable notice of planned surveys scheduled after the start of the school year. The charter school must give parents direct, timely notice when their students are scheduled to participate in a student survey by United States mail, e-mail, or another direct form of communication.

- C. The charter school must give parents the opportunity to review the survey and to opt their students out of participating in the survey.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.065 (District Surveys to Collect Student Information; Parent Notice and Opportunity for Opting Out)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. § 1232h (Protection of Pupil Rights)  
34 C.F.R. § 99 (Family Educational Rights and Privacy Act Regulations)  
*Gonzaga University v. Doe*, 536 U.S. 273 (2002)  
*C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d. 159 (3<sup>rd</sup> Cir. 2005)  
*Fields v. Palmdale School Dist.*, 427 F.3d. 1197 (9<sup>th</sup> Cir. 2005)

**Cross References:** MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedure and Process)

Swan River Montessori Charter School

Adopted: \_\_\_\_\_

Revised: \_\_\_\_\_

MSBA/MASA Model Policy 521 Charter

Orig. 1995 (as ISD Policy)

Orig. 2022 (as Charter Policy)

Rev. 2024

## 521 STUDENT DISABILITY NONDISCRIMINATION

**[NOTE: Charter schools are required by statute to have a policy addressing these issues.]**

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. Students with disabilities who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. The responsibility of the charter school is to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
  - 1. has a physical or mental impairment that substantially limits one or more of such person's major life activities; or
  - 2. has a record of such an impairment;
  - 3. is regarded as having such an impairment; or
  - 4. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

### III. COORDINATOR

Persons who have questions or comments should contact the School Director or designee **[insert title, name, office address, and telephone number]**. This person is the charter school's Americans with Disabilities Act/Section 504 coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

**Commented [1]:** Update name and contact info accordingly.

**Legal References:** Minn. Stat. § 363A.03, Subd. 12 (Definitions)  
42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

**Swan River Montessori Charter School**  
**Adopted: 8.19.25**  
**Reviewed:**

Adopted: \_\_\_\_\_

*MSBA/MASA Model Policy 522 Charter*  
*Orig. 1995 (as ISD Policy)*  
*Orig. 2022 (as Charter Policy)*

Revised: \_\_\_\_\_

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

### **I. PURPOSE**

The purpose of this policy is to provide a nondiscriminatory and safe environment for all persons and to comply with state and federal law.

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

- A. The charter school 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. The charter school is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The charter school prohibits sexual harassment that occurs within its education programs and activities. When the charter school 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.
- C. This policy applies to sexual harassment that occurs within the charter school's education programs and activities and that is committed by a charter school employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the charter school'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 the charter school's education programs or activities.
- D. 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. The charter school's Title IX Coordinator(s) is/are:

Executive Director: Annette Vemuri  
Address: 500 Maple Street, Monticello, MN 55369  
Email: [director@swanrivermontessori.org](mailto:director@swanrivermontessori.org)  
Phone: 763-595-1213

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.

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

### **III. DEFINITIONS**

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the charter school's Title IX Coordinator or to any employee of the charter school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the charter school 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 the charter school 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. The charter school 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 for which the charter school exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes charter school education programs or activities that occur on or off of charter school 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 the charter school 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 the charter school with which the formal complaint is filed.
- 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, or information that are related to the allegations raised in a formal complaint. 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 and 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 and 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. 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 charter school education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a charter school employee (conditioning the provision of an aid, benefit, or service of the charter school 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 United States Code, section 1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 United States Code, section 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 Minnesota Statutes, section 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the charter school buildings or property, and other similar measures.
- M. "Title IX Personnel" means any person who addresses, works on, or assists with the charter school'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 the charter school that coordinates the charter school'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. The Investigator may be a charter school employee, charter school official, or a third party designated by the charter school.
  3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
  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 cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker

may be a charter school employee, or a third party designated by the charter school.

The executive director of the charter school may delegate functions assigned to a specific charter school employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the executive director at any time. The charter school may also, in its discretion, appoint suitably qualified persons who are not charter school employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

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

##### **A. Equitable Treatment**

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

The charter school 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.

The charter school will provide appropriate remedies to the complainant any time a respondent is found responsible.

##### **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 a 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**

The charter school will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, section 1232g, FERPA regulations, 34 Code of Federal Regulations, part 99, Minnesota law under Minnesota Statutes, section 13.32, or as required by law, or to carry out the purposes of 34 Code of Federal Regulations, part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the charter school's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

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 in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person 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 in any other manner during any phase of the grievance process.

F. Notice

The charter school 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 to allow sufficient time for the party to prepare to participate.

G. Consolidation

The charter school 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, the charter school 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. The charter school shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the charter school 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 the charter school 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 charter school 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 the charter school within five (5) 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 the charter school.
4. The charter school will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the charter school.
5. Although the charter school strives to adhere to the timelines described above, in each case, the charter school 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 charter school 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 the charter school may provide a complainant and disciplinary sanctions that the charter school 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 work locations, leaves of absence, monitoring of certain areas of the charter school 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 recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the executive director of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of 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.

**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 toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the charter school 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, the charter school may report the alleged conduct to law enforcement authorities. The charter school encourages complainants to report criminal behavior to the police immediately.

#### **VI. 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 filing a formal complaint.
- B. The charter school will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the charter school'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 the charter school unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.
- D. Upon receipt of a formal complaint, the charter school 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 this policy.

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

A. Emergency Removal of a Student

1. The charter school may remove a student-respondent from an education program or activity of the charter school on an emergency basis before a determination regarding responsibility is made if:
  - a. The charter school undertakes an individualized safety and risk analysis;
  - b. The charter school 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. The charter school 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 charter school policies, including Policy 506 – Student Discipline. The charter school 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

The charter school 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. The charter school must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

**VIII. 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 the charter school at the charter school's discretion, but only after a formal complaint has been received by the charter school.
- B. The charter school 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 charter school employee sexually harassed a student.
- D. The charter school will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The charter school 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.

**IX. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the charter school 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 the charter school's education program or activity; or
  - 3. Did not occur against a person in the United States.
- B. The charter school 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 the charter school; or
  - 3. Specific circumstances prevent the charter school from gathering sufficient evidence to reach a determination.
- C. The charter school shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the charter school from addressing the underlying conduct in any manner that the charter school deems appropriate.

**X. INVESTIGATION OF A FORMAL COMPLAINT**

- A. If a formal complaint is received by the charter school, the charter school will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the charter school 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, the charter school 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 the charter school 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 charter school 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.

#### **XI. DETERMINATION REGARDING RESPONSIBILITY**

- A. After the charter school has sent the investigative report to both parties and before the charter school 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.
- 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, 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 the charter school'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 the charter school 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 the charter school to the complainant; and
  - 6. The charter school'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 the charter school 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.

## **XII. APPEALS**

- A. The charter school shall offer the parties an opportunity to appeal a determination regarding responsibility or the charter school'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 the charter school, the charter school 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.

## **XIII. RETALIATION PROHIBITED**

- A. Neither the charter school 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 in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of charter school 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.

#### **XIV. TRAINING**

- A. The charter school shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
1. The Title IX definition of sexual harassment;
  2. The scope of the charter school's education program or activity;
  3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
  4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
  6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the charter school's website. If the charter school does not have a website, it must make the training materials available for public inspection upon request.

**Commented [1]:** Do we have this training?

**Commented [2]:** Are they posted on our website?

#### **XV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, charter school employee, and employee unions.
- B. The charter school 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. The charter school 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 the charter school, with the following:
1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
  2. Notice that the charter school 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 the charter school's grievance procedures and grievance process contained 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 the charter school will respond.

## **XVI. RECORDKEEPING**

- A. The charter school must create, and maintain for a period of seven (7) 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, the charter school must document:
1. The basis for the charter school's conclusion that its response to the report or formal complaint was not deliberately indifferent;
  2. The measures the charter school has taken that are designed to restore or preserve equal access to the charter school's education program or activity; and
  3. If the charter school 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 (7) 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. The charter school 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.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Revised: \_\_\_\_\_

## **524 INTERNET, TECHNOLOGY, AND CELL PHONE ACCEPTABLE USE AND SAFETY POLICY**

**[NOTE: Charter schools are required by statute to have a policy addressing these issues.]**

### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to the Swan River Montessori Charter School's (SRMCS) computer system and acceptable and safe use of the Internet, including electronic communications.

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

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

### **III. LIMITED EDUCATIONAL PURPOSE**

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

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

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

### **V. UNACCEPTABLE USES**

- A. While not an exhaustive list, the following uses of the charter school system and Internet resources or accounts are considered unacceptable:
  - 1. Users will not use the charter school system to access, review, upload, download, store, print, post, receive, transmit, or distribute:

- a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
  - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - d. information or materials that could cause damage or danger of disruption to the educational process;
  - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the SRMCS system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
3. Users will not use the SRMCS system to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use the SRMCS system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the SRMCS system software, hardware, or wiring or take any action to violate the charter school's security system, and will not use the charter school system in such a way as to disrupt the use of the system by other users.
5. Users will not use the SRMCS system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
6. Users will not use the SRMCS system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

**[NOTE: Charter schools should consider the impact of this paragraph on present practices and procedures, including, but not limited to, practices pertaining to employee communications, school or classroom websites, and student/employee use of social networking websites. Depending upon charter school policies and practices, charter schools may wish to add one or more of the following clarifying paragraphs.]**

- a. This paragraph does not prohibit the posting of employee contact information on charter school webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).

Commented [1]: Worth discussion this?

b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:

- (1) such information is classified by the charter school as directory information and verification is made that the charter school has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with the charter school's [Protection and Privacy of Pupil Records](#) policy; or
- (2) such information is not classified by the charter school as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with the charter school's [Protection and Privacy of Pupil Records](#) policy.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

c. These prohibitions specifically prohibit a user from utilizing the charter school system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook," "X," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.

7. Users must keep all account information and passwords on file and/or accessible via the administrative network. Users will not attempt to gain unauthorized access to the SRMCS system or any other system through the SRMCS system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the SRMCS system may not be encrypted without the permission of the SRMCS Director.
8. Users will not use the SRMCS system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
9. Users will not use the SRMCS system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of SRMCS. Users will not use the SRMCS system to offer or provide goods or services or for product advertisement. Users will not use the SRMCS system to purchase goods or services for personal use without authorization from the SRMCS Director.
10. Users will not use the charter school system to engage in bullying or cyberbullying in violation of the charter school's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.

B. The charter school has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet when off charter school premises also may be in violation of this policy as well as other charter school policies. Examples of such violations may include, but are not limited to, serious

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or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If the charter school receives a report of an unacceptable use originating from a non-school computer or resource, the charter school may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the charter school computer system and the Internet and discipline under other appropriate charter school policies, including suspension, expulsion, exclusion, or termination of employment.

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

## VI. FILTER

**[NOTE: Pursuant to state law, charter schools are required to restrict access to inappropriate materials on school computers with Internet access. Charter schools seeking technology revenue pursuant to Minnesota Statutes, section 125B.26 or certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. Those charter schools are required to comply with additional standards in restricting possible access to inappropriate materials. Therefore, charter schools should select one of the following alternative sections depending upon whether the charter school is seeking such funding and the type of funding sought.]**

**[NOTE: The 2025 Minnesota legislature amended Minnesota Statutes 125B.15 as follows: "A school district receiving technology revenue under section 125B.26 must prohibit, including through use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography."]**

### ALTERNATIVE NO. 1

**[NOTE: For a charter school that does not seek either state or federal funding in connection with its computer system, the following language should be adopted. It reflects a mandatory requirement under Minnesota Statutes, section 125B.15.]**

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

**[NOTE: The purchase of filtering technology is not required by state law if the school site would incur more than incidental expense in making the purchase. In the absence of filtering technology, school sites still are required to use "other effective methods" to restrict student access to such materials.]**

### ALTERNATIVE NO. 2

**[NOTE: Technology revenue is available to charter schools that meet the additional condition of also restricting adult access to inappropriate materials. Charter schools that seek such state technology revenue may adopt or retain the following language. However, the charter**

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**school is not required to do so.]**

- A. All charter school computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All charter school computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

**ALTERNATIVE NO. 3**

**[NOTE: Charter schools that receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children’s Internet Protection Act, effective in 2001. This law requires charter schools to adopt an Internet safety policy that contains the provisions set forth below. Also, the Act requires such charter schools to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. Charter schools that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for charter schools that seek such federal financial assistance satisfies both state and federal law requirements.]**

- A. With respect to any of its computers with Internet access, the charter school will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Child pornography; or
  - 3. Harmful to minors.
- B. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:
  - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor, or other person authorized by the Executive Director may disable the technology protection measure, during use by an adult, to enable access for

bona fide research or other lawful purposes.

- E. The charter school will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

**[NOTE: Although charter schools are not required to adopt the more restrictive provisions contained in either Alternative No. 2 or No. 3 if they do not seek state or federal funding, they may choose to adopt the more restrictive provisions as a matter of school policy.]**

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

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

#### **VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the SRMCS system, SRMCS does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the charter school system.
- B. Routine maintenance and monitoring of the SRMCS system may lead to a discovery that a user has violated this policy, another SRMCS policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or charter school policy.
- D. Parents may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with the charter school's **Protection and Privacy of Pupil Records Policy**. Parents have the right to request the termination of their child's individual account at any time.
- E. Charter school employees should be aware that the charter school retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, charter school employees should be aware that data and other materials in files maintained on the SRMCS system may be subject to review, disclosure, or discovery under Minnesota Statutes, chapter 13 (Minnesota Government Data Practices Act).
- F. SRMCS will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with charter school policies conducted through the charter school system.

#### **IX. INTERNET USE AGREEMENT**

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

#### **X. LIMITATION ON CHARTER SCHOOL LIABILITY**

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

#### **XI. USER NOTIFICATION**

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

#### **XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

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

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

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

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### **XIII. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS**

- A. "Technology provider" means a person who:
1. contracts with the charter school, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and
  2. creates, receives, or maintains educational data pursuant or incidental to a contract with the charter school.
- B. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- C. Within thirty (30) days of the start of each school year, the charter school must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:
1. identify each curriculum, testing, or assessment technology provider with access to educational data;
  2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and
  3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.
- D. The charter school must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.
- E. A contract between a technology provider and the charter school must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:
1. the technology provider's employees or contractors have access to educational data only if authorized; and

2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.
- F. All educational data created, received, maintained, or disseminated by a technology provider pursuant to or incidental to a contract with a public educational agency or institution are not the technology provider's property.

#### **XIV. SCHOOL-ISSUED DEVICES**

- A. "School-issued device" means hardware or software that the charter school, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.
- B. Except as provided in paragraph C, the charter school or a technology provider must not electronically access or monitor:
1. any location-tracking feature of a school-issued device;
  2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or
  3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.
- C. The charter school or a technology provider may only engage in activities prohibited by paragraph B if:
1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by charter school employees, student teachers, staff contracted by the charter school, a vendor, or the Minnesota Department of Education, and notice is provided in advance;
  2. the activity is permitted under a judicial warrant;
  3. the charter school is notified or becomes aware that the device is missing or stolen;
  4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;
  5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes, section 121A.031; or
  6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.
- D. If the charter school or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within seventy-two (72) hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within seventy-two (72) hours after that imminent threat has ceased.

#### **XV. CELL PHONE USE**

The school board directs the executive director and school administration to establish rules and

procedures regarding student possession and use of cell phones in schools. These rules and procedures should seek to minimize the impact of cell phones on student behavior, mental health, and academic attainment. These rules and procedures may be designed for specific school buildings, grade levels, or similar criteria.

**[NOTE: In 2024, the Minnesota legislature enacted a law requiring that schools adopt a policy on students' possession and use of cell phones in school by March 15, 2025. This law does not state that schools must incorporate specific language or provisions in the school policy.]**

**MSBA recognizes the common practice of setting forth cell phone rules in a student handbook or similar document. This Article directs school administration to establish cell phone rules, which the school board may require be presented to the board for approval. This approach enables administrators to craft flexible and specific rules that are specific to grade levels and buildings. The school board may choose to set forth general principles regarding cell phone use in this Article.**

**The Minnesota Elementary School Principals Association and the Minnesota Association of Secondary School Principals collaborated to make best practices available to schools on a range of different strategies to achieve the goals stated above.**

**For schools interested in a stand-alone personal device policy, please see MSBA Model Policy 524.5 (Personal Electronic Communication Devices).]**

- 1. The District will craft rules that are specific to grade levels and will be communicated through student handbooks.**
- 2. Students are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by school district policies including, but not limited to, cheating, bullying, harassment, and malicious and sadistic conduct.**
- 3. If the school district has a reasonable suspicion that a student has violated a 524 - 14 school policy, rule, or law by use of a cell phone or other electronic communication device, the school district may search the device. The search of the device will be reasonably related in scope to the circumstances justifying the search.**
- 4. Students who use a cell phone or other electronic communication device in violation of school district policies may be subject to disciplinary action pursuant to the school district's discipline policy. In addition, a student's cell phone or electronic communication device may be confiscated by the school district and, if applicable, provided to law enforcement. Cell phones or other electronic communication devices that are confiscated and retained by the school district will be returned in accordance with school building procedures.**

**Commented [7]:** Look into if we should adopt the Model policy 524.5 suggested.

#### **XVI. LIMIT ON SCREEN TIME FOR CHILDREN IN PRESCHOOL AND KINDERGARTEN**

A child in a publicly funded preschool or kindergarten program may not use an individual-use screen, such as a tablet, smartphone, or other digital media, without engagement from a teacher or other students. This section does not apply to a child for whom the school has an individualized family service plan, an individualized education program, or a 504 plan in effect.

#### **XVII. IMPLEMENTATION; POLICY REVIEW**

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

- C. The charter school Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

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**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.73 (School Cell Phone Policy)  
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)  
Minn. Stat. § 125B.15 (Internet Access for Students)  
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)  
17 U.S.C. § 101 *et seq.* (Copyrights)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))  
47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
*Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180, 141 S. Ct. 2038 (2021)  
*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)  
*United States v. Amer. Library Assoc.*, 539 U.S. 194 (2003)  
*Sagehorn v. Indep. Sch. Dist. No. 728*, 122 F.Supp.2d 842 (D. Minn. 2015)  
*R.S. v. Minnewaska Area Sch. Dist. No. 2149*, 894 F.Supp.2d 1128 (D. Minn. 2012)  
*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)  
*S.J.W. v. Lee's Summit R-7 Sch. Dist.*, 696 F.3d 771 (8<sup>th</sup> Cir. 2012)  
*Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F.Supp.2d 888 (W.D. Mo. 2012)  
*M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Grievance Procedures and Process)  
MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 904 (Distribution of Materials on Charter School Property by Nonschool Persons)

**Swan River Montessori Charter School**

Adopted: 1.21.25  
Revised: \_\_\_\_\_

MSBA/MASA Model Policy 524.5 Charter  
Orig. 2025

**524.5 PERSONAL ELECTRONIC COMMUNICATION DEVICES**

**I. PURPOSE**

The objective of this policy is to support the charter school's focus on learning in alignment with the school's mission to ignite students' passion for learning, cultivate a strong foundation of knowledge, and foster a sense of community within our schools. Possession and use of personal electronic communication devices must be regulated to ensure that such devices do not disrupt or interfere with the education process or school operations, impair the safety, welfare, and privacy of students and staff, or are used as part of an act of academic dishonesty.

**II. GENERAL STATEMENT OF POLICY**

To minimize the impact of personal electronic communication devices on student behavior, mental health, and academic attainment and to support school environments in which students can engage fully with their classmates, their teachers, and instruction, the school board has determined the use of personal electronic communication devices by students during school hours should be limited.

**III. DEFINITIONS**

- A. "Bell-to-Bell" means from when the first bell rings at the start of the school day to begin instructional time until the dismissal bell rings at the end of the academic school day. "Bell-to bell" includes lunch and time in between class periods.
- B. "Cell Phone" means a personal device capable of making calls, transmitting pictures or video, or sending or receiving messages through electronic means. The definition of cell phone includes a non-smart phone that is limited to making phone calls or text messages and a smart phone that encompasses the above features.
- C. "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.
- D. "Instructional Time" means any structured or unstructured learning experiences that occur from when the first bell rings at the start of the school day until the dismissal bell rings at the end of the academic school day.
- E. "Personal Electronic Communication Device" means any personal device capable of connecting to a cell phone, the internet, a cellular or Wi-Fi network, or directly connects to another similar device. Personal electronic communication devices may include cell phones, wearable devices such as smart watches, personal headphones, earbuds or pods, laptops, tablets, virtual reality devices, and other personal electronic communication devices with the abovementioned characteristics.
- F. "Stored" means a cell phone or personal electronic communication device not being carried on the student's person, including not in the student's pocket. Storage options may include, but are not limited to, in the student's backpack, in the student's locker, in a locked pouch, or in a designated place in the classroom, as determined by school administration.

**IV. PERSONAL ELECTRONIC COMMUNICATION DEVICE USE AND STORAGE**

A. Personal Electronic Communication Device Use

1. Personal Electronic Communication Devices: Must be turned off and kept out of sight during instructional time, including breaks and lunch

**[NOTE: Schools should state their rules in this section if they have a single set of rules for all students. Below, sample provisions focus upon grade levels and propose specific rules for each level. Schools may choose to adopt, revise, or remove the sample provisions.]**

2. Elementary Schools (K-5)

- a. Students are prohibited from using personal electronic communication devices on school premises from bell-to-bell, which includes but is not limited to instructional time, lunch periods, recess, school-sponsored programs, events or activities, or any other time during the designated school day.
- b. All personal electronic communication devices shall be kept in designated areas and turned off.

3. Middle Schools/Junior High Schools

4. High Schools (9-12)

- a. Students are prohibited from using personal electronic communication devices during instructional time, which includes the entire period of a scheduled class and other times when students are directed to report to and participate in any instructional activity.
- b. Students may wear smart or electronic watches but may not use any communication applications or features that are prohibited from use on other personal electronic communication devices and all notifications must be turned off.
- c. All personal electronic communication devices shall be kept in designated areas and turned off during instructional time. Personal electronic communication devices may be used during passing times and lunch periods; however, such use is discouraged.

B. Off-Campus School-Sponsored Activities

School administration may establish guidelines for personal electronic communication device possession and use during off-campus school-sponsored activities, such as extracurricular activities, outdoor and service trips, and school field trips. These guidelines will be provided at pre-activity meetings, activity-specific permission slips, and by other means as appropriate in the circumstances.

V. **LIMITATIONS ON USE OF AND STORAGE OF PERSONAL ELECTRONIC COMMUNICATION DEVICES**

A. Limitations on Use of Personal Electronic Communication Devices

1. Personal electronic communication devices may not be used in any manner that causes or results in disruption of the educational environment or school-sponsored extracurricular activities or events or impairs or interferes with charter school operations.

**Commented [1]:** I'm guessing we should add the elementary school and delete the others and delete this "note" because adopting the policy.

2. Devices, including but not limited to personal electronic communication devices, with audio, video, or photo-taking capabilities shall not be used at any time in locker rooms, bathrooms, or other locations where the presence of such devices poses an unreasonable risk to the safety, welfare, or privacy of others. Confiscation and search of such devices will occur if found in these areas.
3. Students may not use a device to record, transmit, or post audio, videos, or photos of a person or persons on school grounds or on a school bus without the express permission of school staff in addition to the express consent of the individual or individuals that are the subjects of the recording.
4. Personal electronic communication devices may not be used to engage in bullying, cyberbullying, harassment, discrimination, or other activity prohibited under federal or state law or under charter school policy.
5. Personal electronic communication devices shall not be used during a lockdown drill, a fire drill, or a similar safety drill.

**B. Storage of Personal Electronic Communication Devices**

Students shall keep their personal electronic communication devices in a secure place, such as the student's locker, a closed backpack, a storage device provided by the school, or an area designated by the classroom teacher at all times when personal electronic communication device use is prohibited.

**V. EXCEPTIONS**

- A. Nothing in this policy prohibits a student from using a personal electronic communication device for a purpose documented in the student's individualized education program, a plan developed under section 504 of the Rehabilitation Act of 1973, or a health care plan in force regarding the student.
- B. A student may use a personal electronic communication device to monitor or address a health concern or medical condition upon permission granted by school administration.
- C. Students may use a personal electronic communication device when the use is necessary to respond to or report an emergency. For purposes of this policy, "emergency" means an actual or imminent threat to the health or safety of students and/or school personnel, which may result in death, bodily injury, or substantial property damage.
- D. A student may use a personal electronic communication device during a time at which use would otherwise be prohibited when the student has been granted permission from a staff member to use the device. If the charter school implements a curriculum that uses technology, students may be allowed to use their own personal electronic communication devices to access the curriculum. Students who are allowed to use their own devices to access the curriculum will be granted access to any application or electronic materials when they are available to students who do not use their own devices, or provided free of charge to students who do not use their own devices for curriculum.
- E. A personal electronic communication device may be stored in student vehicles parked on charter school property provided that the device is not removed from the vehicle while on charter school property.
- F. Students who need to make a call may request permission to use a telephone in the building office.

**VI. DISCIPLINE**

If a student violates this policy, a teacher or administrator shall take the following progressively serious disciplinary measures:

- A. Give the student a verbal warning and require the student to store the student's personal electronic communication device in accordance with this policy.
- B. Securely store the student's personal electronic communication device in a teacher- or administrator-controlled locker, bin, or drawer for the duration of the class or period.
- C. Place the student's personal electronic communication device in the school's central office for the remainder of the school day.
- D. Place the student's personal device in the school's central office to be picked up by the student's parent or guardian.
- E. Schedule a conference with the student's parent or guardian to discuss the student's personal device use.
- F. Apply discipline as provided under charter school policies and as appropriate.
- G. Other (insert as needed).

#### VII. CHARTER SCHOOL RESPONSIBILITY

- A. The charter school is not responsible for, nor is it required to investigate, any lost, stolen, or damaged personal electronic communication devices brought onto school grounds or the bus or school-sponsored activities or events.
- B. The charter school board directs the executive director and charter school administration to establish additional rules and procedures regarding student possession and use of personal electronic communication devices in schools as the executive director and charter school administration find appropriate. These rules shall be consistent with this policy and other applicable charter school policies. These rules and procedures should seek to minimize the impact of personal electronic communication devices on student behavior, mental health, and academic attainment. These rules and procedures may be designed for specific school buildings, grade levels, or pursuant to similar criteria.

Commented [2]: Is there anything else we need to adopt?

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.73 (School Cell Phone Policy)  
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)  
Minn. Stat. § 125B.15 (Internet Access for Students)  
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
29 U.S.C. § 794 (Nondiscrimination under Federal Grants and Programs)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 524 (Internet, Technology, and Cell Phone Acceptable Use and Safety Policy)

**Resources:** Away for the Day ([www.awayfortheday.org](http://www.awayfortheday.org))  
MASSP/MESPA, *The Cell Phone Toolkit* (July 2024)

**Swan River Montessori Charter School**

**Adopted: 2005**

**Revised: 4.16.24**

**Hazing Prohibition Policy**

Adopted: \_\_\_\_\_

Revised: \_\_\_\_\_

*MSBA/MASA Model Policy 526 Charter*

*Orig. 1997 (as ISD Policy)*

*Orig. 2022 (as Charter Policy)*

**526 HAZING PROHIBITION**

**[NOTE: Charter schools are required by statute to have a policy addressing these issues. The Minnesota Department of Education (MDE) offers a model policy on student and staff hazing in accordance with Minnesota Statutes, section 121A.69. The MDE model policy differs from the MSBA/MASA model policy as it incorporates state and federal requirements related to harassment and discrimination that extend beyond the mandate of Minnesota Statutes, section 121A.69. Topics of harassment and discrimination are addressed in other MSBA/MASA policies. While charter schools are required to adopt a policy governing student and staff hazing, charter schools are not required to adopt any particular policy. MSBA recommends this policy.]**

**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 Swan River Montessori Charter School and are prohibited at all times.

**II. GENERAL STATEMENT OF POLICY**

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the charter school shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the charter school shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the charter school'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 charter school property and events and/or termination of services and/or contracts.

**Commented [1]:** We should probably stick with the MSBA policy vs the MDE one.

**Commented [2R1]:** Then I think we should delete this note.

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- I. The charter school will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the charter school 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 charter school policies or regulations.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "On school premises or charter school property, or at school functions or activities, or on school transportation" means all charter school 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 charter school purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. Charter school property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, the charter school 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 charter school official designated by this policy. A person may report hazing anonymously. However, the charter school may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The charter school encourages the reporting party to use the report form available from the principal or building supervisor of each building or available from the charter school office, but oral reports shall be considered complaints as well.

The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult charter 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 charter school human rights officer or to the executive director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the executive director or the charter school 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. Charter school 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. The charter school will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the charter school's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

#### **V. CHARTER SCHOOL ACTION**

- A. Within three (3) days of the receipt of a complaint or report of hazing, the charter school shall undertake or authorize an investigation by charter school officials or a third party designated by the charter school.
- B. The building report taker or other appropriate charter school 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, the charter school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. Charter school action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable charter school policies and regulations.
- E. The charter school is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the charter school. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the charter school shall, where determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

#### VI. RETALIATION OR REPRISAL

The charter school will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the charter school 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

**[NOTE: Proper reference should be made to the appropriate handbooks in each charter school.]**

- A. This policy shall appear in full on the SRMCS web site and a summary will be provided in both **employee and student/parent handbooks**.
- B. The charter school will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)

**Commented [3]:** What do we officially name our handbooks?

**Commented [4R3]:** Swan River Employee handbook and Parent & student handbook. I found this in our parent and student handbook but not in the employee handbook

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])

**Swan River Montessori Charter School**

**Adopted: 8.29.05**  
**Reviewed: 10.10.23**

Adopted: \_\_\_\_\_

Revised: \_\_\_\_\_

*MSBA/MASA Model Policy 531 Charter*  
*Orig. 2003 (as ISD Policy)*  
*Orig. 2022 (as Charter Policy)*

**531 THE PLEDGE OF ALLEGIANCE**

**[NOTE: Recitation of the Pledge of Allegiance by students and instruction of students as provided in this policy are required by statute. Also, the statement in Article III., below, must be included in the student handbook or a policy guide. A local school board or a charter school board of directors may waive these statutory requirements by a majority vote taken annually. If the charter school board of directors waives the requirement to recite the Pledge of Allegiance, it may adopt a school policy regarding the reciting of the Pledge of Allegiance.]**

**I. PURPOSE**

The charter school 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 this charter school shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or support staff member, as appropriate for the Montessori curriculum.
- 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.

**IV. INSTRUCTION**

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

**Legal References:** Minn. Stat. § 121A.11, Subd. 3 (Pledge of Allegiance)  
Minn. Stat. § 121A.11, Subd. 4 (Instruction)  
Minn. Stat. § 124E.03, Subd. 2(e) (Applicable Law)

**Cross References:** None

**Commented [1]:** How do we want to handle this?

**Commented [2R1]:** This is in our Parent & Student Handbook  
Pledge of Allegiance  
The Pledge of Allegiance may from time to time be recited in the classroom under the guidance of a teacher and/or support staff, as appropriate for the Montessori curriculum.  
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.  
The Pledge of Allegiance policy provides more detail regarding the recitation of the Pledge of Allegiance while

**Commented [3]:** Do we do this?

**Commented [4R3]:** We use to do this in morning extended care

## Swan River Montessori Charter School

### Student Information

Name: \_\_\_\_\_  
Grade/Class: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_

### Parent/Guardian Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### Waiver Request

I, the undersigned parent/guardian of the above-named student, respectfully request that my child be excused from participation in the daily recitation of the Pledge of Allegiance at school.

I understand that:

- My child will not be required to stand, recite, or otherwise participate in the pledge.
- My child will not be penalized or discriminated against in any way for this choice.
- My child will remain respectful and non-disruptive during the pledge.

This request is made in accordance with my family's personal, religious, or philosophical beliefs.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### School Official Acknowledgement

Received by: \_\_\_\_\_  
Title/Position: \_\_\_\_\_  
Date: \_\_\_\_\_

**Swan River Montessori Charter School**

**Adopted: 2005**

Adopted: \_\_\_\_\_

Revised: 6.18.24 \_\_\_\_\_

*MSBA/MASA Model Policy 532 Charter  
Orig. 2022 (as Charter Policy)  
Rev. 2023*

**532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS**

**[NOTE: Charter schools are required by statute to have a policy addressing these issues.]**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

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

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

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

**III. DEFINITIONS**

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

- A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- B. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- C. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- D. "Police liaison officer" is a peace officer who, pursuant to an agreement between the charter school and a political subdivision or law enforcement agency, is assigned to a

**Commented [1]:** All staff receive this training

school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.

- E. The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. “Student with an IEP” or “the student” means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

#### IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

##### A. Removal by Crisis Team

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

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

##### B. Removal by Police Liaison Officer or Peace Officer

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

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student’s IEP team must meet to determine if the student’s IEP is adequate or if additional evaluation is needed.

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

**[NOTE: If the charter school uses a different reference name for its student records policy, insert that name in place of the reference to the Protection and Privacy of Pupil Records Policy.]**

Commented [2]: I'm pretty sure that's the name we use. Let's double check, then this note can be deleted.

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

C. Reasonable Force Permitted

1. In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the charter school, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another
2. In removing a student with an IEP from school grounds, police liaison officers and charter school personnel are further prohibited from engaging in the following conduct:
  - a. Corporal punishment prohibited by Minnesota Statutes, section 121A.58;
  - b. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
  - c. Totally or partially restricting a child's senses as punishment;
  - d. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
  - e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes, Chapter 260E;
  - f. Physical holding (as defined in Minnesota Statutes, section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
  - g. Withholding regularly scheduled meals or water; and/or
  - h. Denying a child access to toilet facilities.
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education (MDE) as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

D. Parental Notification

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

E. Continued Removals; Review of IEP

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

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

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

If the charter school seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes, section 125A.0942, subdivision 5, and otherwise comply with the requirements of section 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on charter schools' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, charter schools must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, charter schools must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

**Commented [3]:** We report discipline and holds but we have not had to

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 121A.67 (Removal by Police Officer)  
Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)  
Minn. Stat. § 609.06 (Authorized Use of Force)  
Minn. Stat. § 609.379 (Permitted Actions)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))  
20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act)  
34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

**Cross References:** MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment and Prone Restraint)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)

**Swan River Montessori Charter School**

**Adopted: August 2006**

**Reviewed: September 15, 2025**

Wellness\_\_\_\_\_

Revised:\_\_\_\_\_

*MSBA/MASA Model Policy 533 Charter*

*Orig. 2005 (as ISD Policy)*

*Orig. 2022 (as Charter Policy)*

**533 WELLNESS**

**[NOTE: All charter schools that participate in the National School Lunch and School Breakfast Programs are required by the Healthy, Hunger-Free Kids Act of 2010 (Act) to have a wellness policy that includes standards and nutrition guidelines for foods and beverages made available to students on campus during the school day, as well as specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. The Act requires the involvement of parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the public in the development, implementation, and periodic review and update of the wellness policy. The Act also requires a plan for measuring implementation of the policy and reporting wellness policy content and implementation issues to the public, as well as the designation of at least one person charged with responsibility for the implementation and oversight of the wellness policy to ensure the charter school is in compliance with the policy.]**

**I. PURPOSE**

The Swan River Montessori Charter School (SRMCS) is committed to the optimal development of every student. SRMCS believes that for students to have the opportunity to achieve personal, academic, developmental and social success, we need to create positive, safe and health-promoting learning environments at every level, in every setting, throughout the school year.

**II. GENERAL STATEMENT OF POLICY**

- A. The school board recognizes that nutrition promotion and education, physical activity, and other school-based activities that promote student wellness are essential components of the educational process and that good health fosters student attendance and learning.
- B. The school environment should promote students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. The charter school encourages the involvement of parents, students, representatives of the school food authority, teachers, school health professionals, the school board, school administrators, and the general public in the development, implementation, and periodic review and update of the charter school's wellness policy.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- F. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

### III. WELLNESS GOALS

**[NOTE: The Act requires that wellness policies include goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness.]**

#### A. Nutrition Promotion and Education

1. The charter school will encourage and support healthy eating by students and engage in nutrition promotion that is:
  - a. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
  - b. part of health education classes, as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and
  - c. enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
2. The charter school will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte/snack lines, vending machines, fundraising events, concession stands, and student stores.

**Commented [1]:** Not sure what the bookmark here means?

#### B. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health and physical education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities, such as watching television;
2. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and
3. Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

#### C. Communications with Parents

1. The charter school recognizes that parents and guardians have a primary role in promoting their children's health and well-being.
2. The charter school will support parents' efforts to provide a healthy diet and daily physical activity for their children.
3. The charter school encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
4. The charter school will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

### IV. STANDARDS AND NUTRITION GUIDELINES

**[NOTE: The Act requires that charter schools have standards, selected by the charter school, for all foods available on the school campus during the school day with the objective of promoting student health and reducing childhood obesity. For foods and beverages sold to students during the school day on school campus, the Act requires that charter schools also have nutrition guidelines.]**

A. School Meals

**[NOTE: The Act specifically requires that the wellness policy contain standards and nutrition guidelines for all foods and beverages sold to students during the school day that are consistent with the meal requirements for lunches and after-school snacks set forth in 7 Code of Federal Regulations, section 210.10 and the meal requirements for breakfasts set forth in 7 Code of Federal Regulations, section 220.8.]**

1. The charter school will provide healthy and safe school meal programs that comply with all applicable federal, state, and local laws, rules, and regulations.
2. Food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.
3. Food service personnel will try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.
4. Food service personnel will provide clean, safe, and pleasant settings and adequate time for students to eat.
5. Food service personnel will take every measure to ensure that student access to foods and beverages meets or exceeds all applicable federal, state, and local laws, rules, and regulations and that reimbursable school meals meet USDA nutrition standards.
6. Food service personnel shall adhere to all applicable federal, state, and local food safety and security guidelines.
7. The charter school will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
8. The charter school will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
9. The charter school will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
10. The charter school will discourage tutoring, club, or organizational meetings or activities during mealtimes unless students may eat during such activities.

B. School Food Service Program/Personnel

1. The charter school shall designate an appropriate person to be responsible for the charter school's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA guidelines.

2. As part of the charter school's responsibility to operate a food service program, the charter school will provide continuing professional development for all food service personnel in schools.

C. Competitive Foods and Beverages

1. All foods and beverages sold on school grounds to students, outside of reimbursable meals, are considered "competitive foods." Competitive foods include items sold a la carte in the cafeteria, from vending machines, school stores, and for in-school fundraisers.
2. All competitive foods will meet the USDA Smart Snacks in School (Smart Snacks) nutrition standards and any applicable state nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.
3. Before and Aftercare (childcare) programs must also comply with the charter school's nutrition standards unless they are reimbursable under USDA school meals program, in which case they must comply with all applicable USDA standards.

D. Other Foods and Beverages Made Available to Students

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus, including those foods provided through:

a. Celebrations and parties

The charter school will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.

**[NOTE: Healthy party ideas are available from the USDA.]**

b. Classroom snacks brought by parents

The charter school will provide to parents a list of suggested foods and beverages that meet Smart Snacks nutrition standards.

2. Rewards and incentives

Schools will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.

3. Fundraising

The charter school will make available to parents and teachers a list of suggested healthy fundraising ideas.

E. Food and Beverage Marketing in Schools

1. School-based marketing will be consistent with nutrition education and health promotion.
2. Schools will restrict food and beverages marketing to the promotion of only those foods and beverages that meet the Smart Snacks nutrition standards.

**Commented [2]:** Not sure what the bookmark here means either?

## V. WELLNESS LEADERSHIP AND COMMUNITY INVOLVEMENT

### A. Wellness Coordinator

**[NOTE: The Act requires that local school wellness policies identify the position of the local education agency or school official(s) responsible for the implementation and oversight of the local school wellness policy.]**

1. The executive director will designate a charter school official to oversee the charter school's wellness-related activities (Wellness Coordinator). The Wellness Coordinator will ensure that each school implements the policy.
2. The principal of each school, or a designated school official, will ensure compliance within the school and will report to the Wellness Coordinator regarding compliance matters upon request.

**Commented [3]:** It looks like we are required to identify the wellness coordinator.

### B. Public Involvement

**[NOTE: The Act requires a description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy.]**

1. The Wellness Coordinator will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the wellness policy.
2. The Wellness Coordinator will hold meetings, from time to time, for the purpose of discussing the development, implementation, and periodic review and update of the wellness policy. All meeting dates and times will be posted on the charter school's website and will be open to the public.

**Commented [4]:** Looks like we are required to describe how parents, students and others are given an opportunity to participate in the wellness policy.

## VI. POLICY IMPLEMENTATION AND MONITORING

### A. Implementation and Publication

**[NOTE: The Act requires a description of the plan for measuring the implementation of the local school wellness policy.]**

1. After approval by the school board, the wellness policy will be implemented throughout the charter school.
2. The charter school will post its wellness policy on its website, to the extent it maintains a website.

**[NOTE: Per Minnesota Statutes, section 121A.215, when available, a charter school must post its current local school wellness policy on its website.]**

**Commented [5]:** Looks like we are required to describe how we will measure the wellness policy.

### B. Annual Reporting

**[NOTE: The Act requires that charter schools inform the public about the content and implementation of the local wellness policy and make the policy and any updates to the policy available to the public on an annual basis.]**

The Wellness Coordinator will annually inform the public about the content and implementation of the wellness policy and make the policy and any updates to the policy available to the public.

C. Triennial Assessment

**[NOTE: The Act requires a triennial assessment of schools' compliance with the wellness policy. The Act also requires charter schools to inform the public about progress toward meeting the goals of the wellness policy by making the triennial assessment available to the public in an accessible and easily understood manner.]**

1. At least once every three (3) years, the charter school will evaluate compliance with the wellness policy to assess the implementation of the policy and create a report that includes the following information:
  - a. the extent to which schools under the jurisdiction of the charter school are in compliance with the wellness policy;
  - b. the extent to which the charter school's wellness policy compares to model local wellness policies; and
  - c. a description of the progress made in attaining the goals of the charter school's wellness policy.
2. The Wellness Coordinator will be responsible for conducting the triennial assessment.
3. The triennial assessment report shall be posted on the charter school's website or otherwise made available to the public.

**Commented [6]:** How do we make the triennial assessment available to the public. Is it posted on the website?

D. Recordkeeping

**[NOTE: The Act requires charter schools to retain records to document compliance with the requirements of 7 Code of Federal Regulations, section 210.30.]**

The charter school will retain records to document compliance with the requirements of the wellness policy. The records to be retained include, but are not limited to:

1. The charter school's written wellness policy.
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public.
3. Documentation of the triennial assessment of the local school wellness policy for each school under the charter school's jurisdiction efforts to review and update the wellness policy (including an indication of who is involved in the update and methods the charter school uses to make stakeholders aware of their ability to participate on the Wellness Committee).

**Legal References:** Minn. Stat. § 121A.215 (Local School District Wellness Policy; Website)  
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
42 U.S.C. § 1758b (Local School Wellness Policy)  
42 U.S.C. § 1771 *et seq.* (Child Nutrition Act)  
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)  
7 C.F.R. § 210.10 (School Lunch Program Regulations)  
7 C.F.R. § 220.8 (School Breakfast Program Regulations)

**Resources:**

Minnesota Department of Education, [www.education.state.mn.us](http://www.education.state.mn.us)  
Minnesota Department of Health, [www.health.state.mn.us](http://www.health.state.mn.us)  
County Health Departments  
Action for Healthy Kids Minnesota, [www.actionforhealthykids.org](http://www.actionforhealthykids.org)  
United States Department of Agriculture, [www.fns.usda.gov](http://www.fns.usda.gov)