



# EDUCATIONAL LEARNING CENTERS

**2021-22**

## **Setting IV Handbook**

For all students attending:

- ELC – Belview
- ELC – Cosmos
- ELC – Montevideo
- ELC – Pipestone
- ELC – Willmar
- ELC - Windom

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## ORIENTATION OF NEW STUDENTS

The purpose of the orientation is to welcome new students and ease their way into a new setting. New students go through an orientation during their first day. The student meets with the staff that will be working with him/her. Each of these people will go over their role and expectations and answer questions that the student may have.

## ATTENDANCE

Learning is dependent on regular school attendance. Students have the responsibility of regular, punctual attendance. Consistent school attendance is one means by which a student develops responsibility and self-discipline. **Student absence from school should be limited to those instances in which absence is genuinely unavoidable.** Parents have the responsibility of encouraging regular attendance and informing the ELC office by 8:15am in the event of a student's absence.

### IMPORTANT

ELC staff will make one attempt to contact a student's parent/guardian if a student is absent. If staff do not speak with a parent/guardian to verify the reason for the absence, the student will receive an unexcused absence for that day.

### Tardy

Defined as a student who arrives after class begins. Parents/guardians are asked to call the ELC office when they know their students will be arriving late. If the student arrives late due to circumstances within their control, (for example, missing their transportation or oversleeping) the student will receive an unexcused tardy. Three unexcused tardies are equivalent to one unexcused absence.

### Excused Absence

Students who have a legitimate excuse for missing school can be excused by submitting appropriate verification. The following constitute valid excused absences allowed by the State of Minnesota:

- Illness verified by the parent, guardian, or physician. **Illness must be verified within the day the student is absent.** If absent more than three days within 30 calendar days, a doctor's note is required. If a doctor's note is not provided the student will be considered unexcused.
- Health appointments, verified by a note from the visited professional, stating the date and time of visit.
- An extreme family emergency, at the discretion of ELC staff.
- Religious/cultural observance – written pre-approval three days prior.
- Appearance in court, verified with proper documentation.
- Agency/community support meeting, verified with proper documentation.
- Post high school visit – written pre-approval three days prior to date of absence.
- Other required visits with court appointed personnel, verified by a note from this person.

Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher. Any work not completed within this period shall result in “no credit” for the missed assignment.

### **Unexcused Absences**

Students who miss school without a valid excuse will receive an unexcused absence. In accordance with Minnesota Law, unexcused absences for three school days will result in a Continuing Truant Notification (a letter will be sent to parents/guardian). After five unexcused absences, the student and parents will be required to meet with team members. After seven unexcused absences, notification will be made to the appropriate county attorney to issue a citation for habitual truancy. Truancy includes unexcused absences that occur throughout the entire school year. Excessive excused absences may also result in Continuing Truant Notification.

Parents or guardians may call the ELC office for updates on their student’s attendance. A printed absence report is available upon request. An ELC may have adopted county policies that differ from Minnesota law – please see your ELC’s specific student handbook.

## **HEALTH AND SAFETY**

### **Illness During the School Day**

If a student becomes ill, the student's temperature will be taken and they may rest in a quiet area. If the student continues to feel ill, the parent/guardian will be called and asked to come and get their child.

General guidelines are listed below but exceptions can occur when there are attendance concerns or special health conditions. A child should not come to school (and will be sent home from school) if they have:

- A fever of 100 degrees F or more in the past 24 hours
- Vomiting or diarrhea in the past 24 hours
- A skin rash that may be disease related
- Untreated live head lice
- Open/draining skin sores that cannot be covered
- Inflamed and draining eyes or ears until seen by health care provider
- Severe, persistent, uncontrollable cough

When your child is ill, please call the ELC daily to report the illness. If we call because your child is ill, please make arrangements for your child to be picked up within the hour.

### **Latex**

For the protection of staff and students who may be latex sensitive, and to maintain a safe learning environment, latex balloons and gloves may be prohibited from ELC buildings and school-sponsored activities.

### **Immunizations**

All students must have up to date immunizations in accordance with Minnesota State Law.

### **Accidents**

Students should report all accidents immediately to their teacher if they are injured in the classroom. All injuries are to be reported to the office. If medical attention is needed, parents or guardians will be notified. Student will see the nurse, if needed.

### **Medication**

Some students may require prescribed drugs or medication during the school day. ELC staff will administer prescribed medications, except any form of medical cannabis, in accordance with procedures.

The administration of prescription and nonprescription medication or drugs requires a completed signed request from the student's parent. ELC staff may rely on an oral parent request to administer medication or drugs for up to two school days, after which a written authorization is required.

An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minn. Stat. 152.22, Subd. 6.

Prescription medication must come to the ELC in a container appropriately labeled for the student by the pharmacy. Nonprescription medications must come in the original container.

Medications are not to be carried by the student unless there is a written agreement between the ELC and the parent. Medications will be left with the appropriate ELC staff, except as noted in a written agreement between ELC staff and the parent or as specified in an IEP.

The ELC must be notified immediately by the parent or student (if over age 18) in writing of any change in the student's medication or if the medication is no longer required. A new container label with new pharmacy instructions shall be required within two days of the change.

ELC personnel shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file and shall provide a copy of such form to the appropriate program coordinator and to other personnel designated to administer the medication.

### **Lockers**

Pursuant to Minnesota statutes, school lockers are the property of SWWC. At no time does SWWC relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted for any reason at any time, without notice, without student consent, and without a search warrant. Please see the "Search and Seizure" section of this handbook for further information. Students are advised NOT to leave valuables in lockers. Money and other valuables should be left in the office. SWWC is not responsible for lost, stolen or damaged personal property.

### **Cell Phones and Other Electronic Devices**

Students must check their cell phone with ELC personnel before classes begin. Cell phones may be picked up after school. Head phones, CD players, MP3 players, I-Pods and other electronic devices will **not** be allowed in the classroom. If these items are brought to school, these items may be turned into the office or the classroom teacher. If the student does not turn in the electronic device, the administrator may choose an appropriate disciplinary action.

### **Signing "In" and "Out" of Building**

When students arrive late or leave the building during the school day for any reason (appointment, illness, etc.), they must sign "in" or sign "out" in the ELC office. Parents will need prior approval from staff to visit the ELC. Visitors are also asked to sign in and out.

### **Fire Drills, Lock Down Drills and Tornado Drills**

Pursuant to Minnesota statutes, SWWC shall conduct five fire drills, five lock down drills and one tornado drill during the school year.

### **Transportation**

It is the responsibility of the school district where the student resides to provide transportation to and from the program. SWWC will help facilitate this process. Transportation is provided by the home school district even if the home school doesn't have school and SWWC does.

Program students are **not** to drive to school. Special permission needs to be received for the student to drive to school. Students must return home from school in the designated (per IEP) transportation. No student will be allowed to change the transportation plan.

Students are required to abide by all behavioral expectations and regulations while waiting for transportation, being transported, or exiting the vehicle. School transportation stops and school transportation vehicles are considered an extension of school grounds. The health and safety of students and the driver are a priority. If a student's behavior compromises health and safety conditions, the student may lose transportation privileges. Then the parent/guardian may have to assume the responsibility of transporting the student to school. Parents' cooperation and support of these expectations are vital so that everyone is healthy and safe. The home school district is responsible for discipline issues that may arise during transportation to SWWC. Students are to park in designated areas. Vehicles parked in non-designated areas will be subject to towing at owner's expense.

All students upon arriving at the ELC are to enter the building and go to their assigned classroom.

### **Reintegration**

Reintegration is begun when the student is making sufficient progress toward academic and social goals as determined in the student's Individual Education Plan. The transition usually begins with the student attending their home school for part of a school day while also continuing at the alternative setting. The student begins a full day at the home school as soon as possible. The transition period generally is gradual to best fit the student's needs.

### **Family Involvement**

Parents are also involved in frequent progress meetings. The purpose of these meetings is to update families on the student's progress in school, in counseling and their social settings. Changes needed in Individual Education Plan may be addressed at these meetings.

### **Staff Background Checks**

SWWC conducts criminal history background checks on employees who provide services to the school. SWWC also conducts background checks with the Board of Teaching on any individual offered employment as a teacher.

# EXPECTATIONS FOR STUDENT BEHAVIOR

## Introduction

As citizens in a democratic society, students have rights as spelled out by the Constitution of the United States. The Constitutional amendments that specifically apply to students' rights in school are the First, Fourth and Fourteenth, which guarantee the right to free expression, freedom from unreasonable search and seizure, due process and equal educational opportunities. Students are responsible to behave in ways that are reasonable for time, place and manner in a school setting. **All students and staff are responsible to protect the educational process.**

There are four time-tested interest arguments that explain when the rights and needs of the group take priority over the individual's rights. These explanations are well grounded in legal principle. These group needs are called Compelling State Interests.

1. Property Loss or Damage
2. Legitimate Educational Purpose
3. Health and Safety
4. Serious Disruption of the Educational Process

## Expectations of All Students

1. TREAT ALL PROPERTY WITH RESPECT
  - Take care of ELC property and equipment. Respect and care for personal property of yourself and others. Borrow property of others only after receiving permission. If you break or damage property, you will need to fix, replace, or pay for it. (Compelling State Interest: Property Loss or Damage)
2. TAKE RESPONSIBILITY FOR LEARNING
  - Be an active learner, work hard and do your best, be involved, come to school prepared to learn, be a good listener, turn in your assignments on time, study outside of class, have necessary materials, set a good example for others, feel good about yourself, and be on time, etc. (Compelling State Interest: Legitimate Educational Purpose)
3. ACT IN A SAFE AND HEALTHY WAY
  - Be kind and considerate with words and actions. Use furniture and equipment appropriately, walk in the building, keep hands and feet to self, etc. (Compelling State Interest: Health and Safety)
4. RESPECT THE RIGHTS AND NEEDS OF OTHERS
  - Work and play without disrupting others, show courtesy towards others, cooperate to help others learn, use positive words and actions, etc. (Compelling State Interest: Serious Disruption of the Educational Process)

**Keep the balance between your individual rights and the needs of the group.**

### **Tobacco Products/Tobacco Substitutes or Look A-Likes**

SWWC is a tobacco-free facility. Students shall not possess, use, sell or transmit tobacco products, paraphernalia (including lighters and matches), substitutes or look a-likes on school property, in school transportation or at school sponsored events. Students who are in possession of such products will have them confiscated by ELC staff. These items will not be returned to students.

Parents will be notified when students are caught using or possessing such. A report may be filed with local law enforcement if the student is under age 18. Offenses may lead to other consequences such as, in-school suspension or out-of-school suspension (not to exceed three school days).

If further offenses occur, a staffing will be held with the student's team. Besides school consequences, a determination will be made as to whether a tobacco evaluation is needed. (Compelling State Interest: Health and Safety)

### **Alcoholic Beverages, Non-Prescription Drugs, or Controlled Substances**

Students shall not buy, sell, possess, use, transmit, be under the influence of, or show any effect of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant, etc. while on school property or at a school sponsored event.

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).

Students who are caught using, possessing, or under the influence of such substances may be required to have a urine analysis. If the urine analysis is positive, a chemical evaluation may be required with the student following whatever recommendations result from the evaluation. Law enforcement agencies will be contacted.

Other consequences as determined by ELC personnel may be assigned. (Compelling State Interest: Health and Safety)

### **Property Damage**

Any student who damages ELC property and/or the personal property of other students or program staff will be required to make monetary restitution in full and may be disciplined. This may include the cost of materials for repair, cost of wages for the person making the repairs, or the cost of replacing the damaged item. Parents will be notified. Law enforcement may also be notified. If restitution is not received, a referral to civil court may result. (Compelling State Interests: Property Loss or Damage)

## **Student Dress and Appearance**

Students are encouraged to dress appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the students' parent(s) or guardian(s).

Appropriate clothing includes, but is not limited to, the following:

- Clothing appropriate for the weather;
- Clothing that does not create a health or safety hazard;
- Clothing that is appropriate for the activity;
- Students are required by law are required to wear shoes.

Inappropriate clothing includes, but is not limited to, the following:

- "Short shorts," skimpy tank tops, tops that expose the midriff, and other clothing that is not in keeping with an educational learning environment;
- Clothing which bears a message which is lewd, vulgar, or obscene;
- Apparel promoting products or activities that are illegal for use by minors;
- Objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
- Any apparel or footwear that would damage school property.

When, in the judgment of the administration, a student's appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.

ELC administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians.

Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to the administration for approval. (Compelling State Interests: Health & Safety and Serious Disruption of the Education Process)

## **False Fire Alarms/Fire Extinguishers/Security System/Bomb Threat**

Any student who tampers with a fire alarm, fire extinguisher or the security system will be subject to immediate suspension. Parents/guardians will be notified of the infraction.

Turning in a false fire alarm or bomb scare is a misdemeanor under MN Statutes. SWWC will prosecute anyone caught turning in a false alarm. Damage to property due to misuse of fire prevention equipment shall be dealt with according to the Property Damage Policy. (Compelling State Interests: Health & Safety, Property Loss and Damage, and Serious Disruption of the Educational Process)

## **Weapons/Explosives**

No student or non-student, including adults and visitors, shall possess, use, or distribute a weapon when in an ELC location.

A “weapon” means any object, devise, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded, air guns, pellet guns, BB guns, all knives, blades, clubs, metal knuckles, nunchucks, throwing stars, explosives, fireworks, mace, and other propellants, stun guns, ammunition, poisons, chains, arrows, and objects that have been modified to serve as a weapon.

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

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

SWWC takes a position of “zero tolerance” in regard to the possession, use or distribution of weapons by students. Consequently, the consequences for students possessing, using, or distributing weapons may include but not be limited to:

- Immediate out-of-school suspension;
- Confiscation of the weapon;
- Immediate notification of police;
- Parent or guardian notification;
- Resident district notification; and
- Recommendation to the Superintendent of dismissal for a period of time not to exceed one year.

Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The resident school district board may modify this requirement on a case-by- case basis. (Compelling State Interest: Health and Safety)

## **Search and Seizure**

Students or their property may be searched if staff has a reasonable suspicion that the student is in possession of contraband, illegal substances or something that may be a health and safety hazard. This suspicion may be due to a bulge in a student’s pocket, a concern raised by students or staff, unusual behavior, etc. Students should have a lowered expectation of privacy in a public school setting due to the significant health and safety concerns for all students and staff. If contraband, illegal substances, or dangerous objects are taken from a student, these objects cannot be returned to a student. Examples: drugs, cigarettes, lighters, matches, knives, sharp objects, etc.

Staff may also ask students to give them items that are disruptive to the learning environment. Examples: toys, rubber bands, etc. These disruptive items may be returned to the student at the end of the school day or returned to parent/guardian.

Staff may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant. ELC staff may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.

As soon as practicable after a search of personal possessions within a locker or desk pursuant to this policy, ELC staff must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal authorities. (Compelling State Interests: Health and Safety and Serious Disruption of the Educational Process)

### **Disorderly Conduct/Verbal or Physical Abuse/Threat of Violence/Assault/Harassment**

Ongoing disorderly conduct, verbal abuse, physical abuse, and verbally or physically threatening violence or assault of students or staff at SWWC ELCs cannot be tolerated. Examples of such behavior are: obscene gestures, obscene language directed at another person, behavior that interferes with the teaching and learning environment of the program, deliberately embarrassing another, flagrantly and repeatedly violating program behavior expectations, any physical aggression – hitting, kicking, biting, spitting, etc. Staff or students have a right to report assault or serious threats of harm to law enforcement. Disciplinary action may be taken.

Staff will work with the student to help deescalate the behavior using redirecting, one on-one processing, distracting, practicing/learning social skills, calming methods, etc. Staff will follow the steps written in the Individual Education Plan (IEP) to help the student stop the behavior or schedule an IEP meeting to revisit goals and objectives to establish if there is a need for a change in the IEP. (Compelling State Interests: Health and Safety and Serious Disruption of the Educational Process)

### **Hazing**

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

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

No student shall plan, direct, encourage, aid, or engage in hazing.

Any person who believes s/he has been the victim of hazing or any person with knowledge or belief of conduct that may constitute hazing shall report the alleged acts immediately to an appropriate SWWC official designated by this policy.

Upon receipt of a complaint or report of hazing, the program shall undertake or authorize an investigation by SWWC officials or a third party designated by SWWC.

Upon completion of the investigation, SWWC will take appropriate action. Such action may include, but is not limited to warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the prohibited behavior. Action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, SWWC policies and regulations.

SWWC will discipline or take appropriate action against any student who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. (Compelling State Interests: Health and Safety)

### **Harassment and Violence**

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

disability. SWWC prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

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

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

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

## **Definitions**

- A. "Assault" is:
  - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
  - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  - 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
  - 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.

#### D. Protected Classifications; Definitions

1. “Disability” means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
    - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
    - b. has a record of such an impairment; or
    - c. is regarded as having such an impairment.
  2. “Familial status” means the condition of one or more minors being domiciled with:
    - a. their parent or parents or the minor’s legal guardian; or
    - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
  3. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
  4. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
  5. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  6. “Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
  7. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment: Definition.
1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education;
  - b. Submissions to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
  - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.
2. Sexual harassment may include but is not limited to:
- a. Unwelcome verbal harassment or abuse;
  - b. Unwelcome pressure for sexual activity;
  - c. Unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators or other SWWC personnel to avoid physical harm to persons or property;
  - d. Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or educational status; or
  - f. Unwelcome behavior or words directed at an individual because of gender.

G. Sexual Violence: Definition.

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

#### H. Violence: Definition.

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

#### **Reporting Procedures**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator or other employee of SWWC or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator or other employee of SWWC or group of students, teachers, administrators, or other employees of SWWC should report the alleged acts immediately to an appropriate SWWC official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. However, SWWC may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited and discipline or appropriate action will be taken.
- C. False accusations or reports of violence or harassment against another person are prohibited and discipline or appropriate action will be taken.
- D. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with SWWC policies and procedures.

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

### **TITLE IX SEX NONDISCRIMINATION**

SWWC 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. SWWC is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

SWWC prohibits sexual harassment that occurs within its education programs and activities. When SWWC 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.

This policy applies to sexual harassment that occurs within the SWWC's education programs and activities and that is committed by a SWWC 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 SWWC'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 SWWC's education programs or activities.

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.

### **SWWC's Title IX Coordinator(s)**

#### **Primary:**

Abby Polzine, Director of Human Resources  
Phone: 507-537-2243; Email: [Abby.Polzine@swwc.org](mailto:Abby.Polzine@swwc.org)  
Address: 1420 E College Drive Marshall, MN 56258

#### **Alternate:**

Cliff Carmody, Executive Director  
Phone: 507-537-2251  
Email: [Cliff.Carmody@swwc.org](mailto:Cliff.Carmody@swwc.org)  
Address: 1420 E College Drive Marshall, MN 56258

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.

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.

[Access our full Policy 522 – Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process.](#)

## **Electronic Information/Internet Use**

SWWC's focus is to provide individual users with the understanding and skills needed to use electronic information resources in ways appropriate to their individual educational needs. Concerns about electronic information will be handled the same way as concerns about other educational resources and other SWWC policies also pertain to use of the electronic information system.

### **User Responsibilities**

#### **Privileges**

The use of electronic information resources is a privilege not a right. Inappropriate use of these resources will result in loss of computer/network access, disciplinary action, and/or referral to legal authorities.

#### **Acceptable Use**

The use of the electronic information system must be in support of the educational mission, goals, and objectives of SWWC.

#### **Prohibited Use**

Users are prohibited from using SWWC's electronic information system for the following purposes:

- To access, upload, download, or distribute pornographic, obscene, or sexually explicit material.
- To transmit or receive obscene, abusive, or sexually *explicit material*.
- To violate any local, state, or federal statute.
- To violate copyright laws or otherwise 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 district computer.
- To vandalize, damage, or disable the property of another person or organization. This includes, but is not limited to, uploading, downloading, or creation of computer viruses.
- Unauthorized commercial use for financial gain.
- To post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook", "Twitter", "Instagram", etc.

#### **Security**

Users may not use another individual's account, with or without permission, nor attempt to log on to the system as the system administrator. If a user identifies a security problem, the user shall notify ELC staff or the SWWC system administrator at once. The user shall not demonstrate the problem to other users.

Network storage areas shall be treated like school lockers. The system administrator may review files and communications to maintain system integrity and insure that users are using the system responsibly. Users should not expect that files stored on the district's servers will be private.

## **Network Service**

SWWC makes no warranties of any kind, whether express or implied, for the electronic information service it is providing. SWWC will not be responsible for any damages suffered while using the system. These damages may include, but are not limited to, the loss of data as a result of delays, non-deliveries, miss-deliveries, or system interruptions caused by the system or the user's errors or omissions. Use of any information obtained via the electronic information system is at the user's own risk. SWWC specifically denies any responsibility for the accuracy of information obtained through electronic information resources.

## **Electronic Information Resources Agreement**

The proper use of the electronic information system and the educational value to be gained from the proper Internet use is the joint responsibility of students, parents, and employees of SWWC.

This policy requires the permission of and supervision by SWWC'S designated professional staff before a student may use a school account or resource to access the internet.

The Electronic Information Resources Agreement form must be read and signed by the user and the parent or guardian. The signed form must be filed with the ELC office prior to a student gaining access.

## **Parent Responsibility**

Parents will be notified that their students will be using SWWC resources/accounts to access email and the internet and the ELC will provide parents the option to request alternative activities not requiring email and internet access. (Compelling State Interests: Health and Safety, Property Loss or Damage, and Legitimate Educational Purpose)

## **Bullying/Cyber Bullying Policy/General Statement**

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the ELC or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.. This policy also applies to an act of cyberbullying regardless of whether such acts are committed on or off school property and/or with or without the use of SWWC resources.
- B. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- C. False accusations or reports of bullying against another student are prohibited.
- D. 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. 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. (SWWC will act to investigate all complaints of bullying reported within three days of the report.)

- E. “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, performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
- F. “Cyberbullying” means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school 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.
- G. 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 shall report the alleged acts immediately to an appropriate staff member. A person may report bullying anonymously.
- H. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, SWWC shall undertake an investigation.
- I. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the resident district and/or SWWC will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

## **Behavior Interventions**

ELC staff are trained in the use of an approved crisis prevention technique. Every attempt is made to de-escalate student behavior through redirecting, one-on-one conferencing, calming techniques, etc. ELC staff may use Positive Behavior Interventions and Supports.

### **Restrictive Procedures**

Restrictive Procedures means the use of physical holding or seclusion in an emergency.

Restrictive procedures may only be used when included as part of a pupil's Individual Education Plan (IEP) or in an emergency situation.

Physical holding is a restrictive procedure that is physical intervention intended to hold the child immobile or limit a child's movement and where body contact is the only source of physical restraint. A physical hold is NOT:

- physical contact that helps a child respond to complete a task.
- assisting child without restricting movement.
- needed to administer an authorized health-related service or procedure.
- needed to physically escort a child when child does not resist or the child's resistance is minimal.

Any behavior intervention(s) not covered in the IEP must be consistent with SWWC'S discipline policy affecting all pupils within the district. Continued and repeated use of any element of the discipline policy must be reviewed in development of the pupil's IEP.

### **Emergency Situation**

An emergency situation is an immediate intervention to protect a pupil or other individual from physical injury. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation. The program lead, administrator, and parents must be notified immediately when a restrictive procedure is used in an emergency situation.

NOTE: This rule/procedure should not be interpreted so as to prohibit staff from using reasonable force to protect themselves or other pupils.

### **Seclusion**

Seclusion is used only if specified in the student's IEP and in an emergency situation. It means confining a child alone in a room from which egress is barred. Removing a child from an activity to a location where the child cannot participate in or observe the activity is NOT classified as seclusion.

## INTERNET USE AGREEMENT

I have read and understand the policies relating to safety and acceptable use of the SWWC computer system and the internet and agree to abide by them. I further understand that should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.

User's Full Name (please print): \_\_\_\_\_

User Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### PARENT OR GUARDIAN

As the parent or guardian of this student, I have read the policies relating to safety and acceptable use of the SWWC computer system and the internet. I understand that this access is designed for educational purposes. SWWC has taken precautions to eliminate controversial material. However, I also recognize it is impossible for SWWC to restrict access to all controversial materials acquired on the internet. Further, I hereby give permission to issue an account for my child.

Parent or Guardian's Name (please print): \_\_\_\_\_

User Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### SUPERVISING TEACHER

I have read the policies relating to safety and acceptable use of the SWWC computer system and the internet. I agree to promote these policies with the student. Because the student may use the internet on the computer system for individual work or in the context of another, I cannot be held responsible for the student's use of the internet on the network. As the supervising teacher, I do agree to instruct the student on acceptable use of the internet and proper network etiquette.

Teacher's Name (please print): \_\_\_\_\_

Teacher's Signature: \_\_\_\_\_

Date: \_\_\_\_\_