

## **5. Student Sex Nondiscrimination (MSBA #522)**

**Adopted by Prairie Seeds Academy Board of Education: September 28, 2007**

### *Purpose*

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

### *General Statement Of Policy*

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

### *Reporting Grievance Procedures*

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school official designated by this policy or may file a grievance. The school encourages the reporting party or complainant to use the report form available from the Charter School Director or available from the school office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to the Charter School Director.
- B. In Each School Building. The Charter School Director is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school personnel who receive a report of unlawful sex discrimination toward a student shall inform the director immediately.
- C. Upon receipt of a report or grievance, the Charter School Director may request, but may not insist upon a written complaint. The Director will forward a written statement of the alleged facts as soon as practicable to the Board Chair. If the report was given verbally, the director shall personally reduce it to written form within 24 hours and forward it to the board chair. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the director. If the complaint involves the director, the complaint shall be made or filed directly with the Board Chair by the reporting party or complainant.

- D. The school board hereby designates the Charter School Director as the school human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the Charter School Director, the complaint shall be filed directly with the Board Chair.
- E. The school shall conspicuously post the name of the Title IX coordinator and human rights officer, including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

### *Investigation*

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

### *School Action*

- A. Upon conclusion of the investigation and receipt of a report, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school policies.

- B. Nothing in this policy will prohibit the school from taking immediate action to protect victims of alleged harassment, violence or abuse.

#### *Dissemination Of Policy And Training*

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

#### **4. Student Disability Nondiscrimination (MSBA #521)**

**Adopted by Prairie Seeds Academy Board of Education: September 28, 2007**

#### *Purpose*

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

#### *General Statement Of Policy*

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

#### *Coordinator*

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

## **32. Special Education Laws**

**Adopted by Prairie Seeds Academy Board of Education: September 28, 2007**

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

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

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

Section 504 of the Rehabilitation Act of 1973 (504): This broad civil rights law protects the rights of individuals with disabilities in programs and activities Federal financial assistance (e.g. Title I funds) from the U.S. Department of Education. It requires the provision of a free and appropriate public education to eligible learners. An appropriate education means an education comparable to the education provided to non-disabled learners. It requires the provision of educational accommodations for the purpose of “leveling the playing field”. A learner is eligible if he/she meets the definition of disability: currently has or has had a physical or mental impairment that substantially limits a major life activity, or is regarded as disabled by others. The regulations of this law require reasonable accommodations be made regarding building and program accessibility. Consideration is given for the size of the program, extent of accommodation and relative cost. Procedural safeguards are required, e.g. prior notice must be made to parents with respect to identification, evaluation and placement of the learner. This law requires that any district with 15 or more employees designate an employee to be responsible for assuring district compliance with 504 and to provide a grievance procedure for parents, learners

and employees. Due process includes providing an impartial hearing for parents or guardians who disagree with the identification, records or placement of learners eligible for protection under this law. The Minnesota Department of CFL Accessibility Survey Tool also relates to civil rights under 504; the Department of CFL has also published a manual, Section 504: *Educational Modification and Accommodations—Meeting the Needs of Learners.*”

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

### **33. Graduation Rule**

**Adopted by Prairie Seeds Academy Board of Education: September 28, 2007**

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

### **34. Health and Safety, Additional Laws**

**Adopted by Prairie Seeds Academy Board of Education: September 28, 2007**

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

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

The main health and safety areas to keep in mind are<sup>1</sup>:

- Immunizations and Screening. State law requires that students entering Kindergarten in Minnesota be immunized against a number of diseases. The list currently includes DPT (diphtheria, tetanus, and pertussis), polio, measles, mumps, rubella, haemophilus influenza B, and hepatitis

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

B (beginning 200-2001). All schools must obtain this information from parents of entering kindergartners; contact MACS for a sample Immunization Record form. When registering new students, it is also good to include questions about any allergies or other medical conditions a student may have, the family physician, and phone numbers for an individual to contact in an emergency.

Children entering grade 7 must show proof of an additional diphtheria/tetanus and measles/mumps/rubella booster shot.

In practice many schools, particularly in low income areas, offer to do immunizations for kids who need them. Depending on your population, you may want to consider this. In addition, it is standard practice (though not required by law) to screen children for vision and hearing problems. If at all possible, it is a good idea to have a school nurse maintain student health records and take care of screenings, and train staff in basic first aid procedures. Most charter schools will not need (or be able to afford) a full time nurse, but it may be possible to contract with one for a few hours per week; consider this when planning staffing for the school.

State law also requires evidence of a sensory and developmental screening upon kindergarten enrollment (also known as Early Childhood Screening or ECS)

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