

INDEPENDENT SCHOOL DISTRICT 196  
Rosemount-Apple Valley-Eagan Public Schools  
*Educating our students to reach their full potential*

Series Number 503 Adopted May 1978 Revised October 2016

Title Student Rights and Responsibilities

**1. Student Rights**

- 1.1 The School Board recognizes that students are entitled to the civil liberties guaranteed all citizens. One of the primary goals of public education is to prepare students to successfully complete the transition from school into the general society in which they will live, and to accept the responsibility commensurate with the rights and privileges which they have and those they will assume.
- 1.2 The district shall provide an environment in which students may exercise the rights and privileges of the society in which they will live, with its proportional amount of responsibility.
- 1.3 Students have the right to freely express ideas, verbally or in writing, within their school program. Responsible criticism and reasonable dissent are basic to the educational process. However, false statements, disruptive activities, threats, the use of obscenities, profanity or ridicule, and advocating violation of the law or school rules and regulations are unacceptable means of expression.
- 1.4 Students have the right to be safe and free from threatening situations on school property, at school activities and in district vehicles.

**2. Student Responsibilities**

- 2.1 Student responsibilities include: conscientious effort in school work and activities; respect for the rights of other students, staff and visitors; and adherence to and cooperation in upholding local, state and federal laws, and district and school policies and regulations. Most of all, students, administration and staff share the responsibility of establishing and maintaining a safe, stimulating and productive learning environment.
- 2.2 A major student responsibility at all grade levels is regular attendance. Many studies correlate regular attendance with success in school. Regular attendance means that the academic learning process is not interrupted, less time is spent on make-up assignments, and students benefit from participation and interaction with others in class. State law requires every child between seven and 17 years of age to receive instruction. Students with excessive unexcused absences will be considered truant. Establishing a pattern of good attendance will benefit the student in school and in the workplace.

**3. Student Behavior and Discipline**

- 3.1 For the purposes of this policy, behavior is defined as a student's demeanor and conduct in relation to:
  - 3.1.1 Treatment of other people;
  - 3.1.2 Care for property;
  - 3.1.3 Responsibility for personal possessions, and

- 3.1.4 Accountability for own actions.
- 3.2 For the purposes of this policy, discipline:
  - 3.2.1 Sets behavioral limits and guidelines to lead students to and through adulthood;
  - 3.2.2 Develops individual respect for law, authority, property, and the rights of others and self, and
  - 3.2.3 Develops a mature individual capable of self-control and direction.
- 3.3 Disciplinary efforts are to be as positive as possible, and are to include recognizing and strengthening appropriate behavior.
- 3.4 Every student and employee in District 196 is entitled to learn and work in a safe school environment. Therefore, the district is responsible for making reasonable rules and regulations governing student behavior and conduct, and maintaining proper control and discipline. To ensure this, it is important that the district establish and communicate clear student behavior expectations and support these expectations with appropriate consequences that are applied consistently. District employees are expected to deal with students fairly and honestly, and to treat all students with courtesy and respect.
- 3.5 In establishing a suitable learning environment, with proper control and discipline, the general maturation of the students involved must be considered. Within this context, district officials must protect the health and well-being of all students while safeguarding individual rights.
- 3.6 Students are expected to behave in accordance with federal, state and local laws and rules; and district and school policies, rules and regulations, and in a way that respects the rights and safety of others. Staff will take corrective action to discipline a student and/or to modify a student's behavior when a student's behavior does not fall within these parameters.
  - 3.6.1 Actions which may be used by district staff to discipline students and/or encourage them to modify their behavior include but are not limited to: student conference, parent or guardian notification, parent or guardian conference, fine, restitution, detention, removal from class, in-school suspension, dismissal from school, out-of-school suspension, exclusion, expulsion, referral to law enforcement authorities and recommendation of alternative community services. Administrators may apply less severe consequences after considering intent or other extenuating circumstances.
  - 3.6.2 The use of corporal punishment is not permitted. Corporal punishment is defined as inflicting physical hurt upon a child in order to punish her or him for misconduct.
  - 3.6.3 When an incident occurs in which one or more students have been physically or emotionally harmed by the misbehavior of another student(s), district staff shall be sensitive to the need to provide support to the victim(s) and to inform their parent(s) or guardian(s) about the incident.

- 3.6.4 School staff may report suspected criminal misconduct by a student to law enforcement. Law enforcement officers shall be permitted to carry out necessary law enforcement functions in the schools, including the removal of a student from school grounds in appropriate circumstances.
- 3.6.5 The school district will cooperate and coordinate with county crisis service providers as appropriate and feasible to respond to the needs of students whose behavior may be addressed by crisis intervention.

3.7 Physical Restraint - A teacher or school principal 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. Other school district employees, school bus drivers, or other agents of a district may use reasonable force when necessary under the circumstances to restrain a student or prevent bodily harm or death to another. Reasonable force will be used in compliance with Minnesota Statute 121A.582 and other laws. Special care will be taken with students with disabilities to follow any guidelines for physical restraint which may be written into their individual education plan (IEP). Physical holds of students with IEPs shall only be done in an emergency, by authorized personnel, in conformance with the law on restrictive procedures and the district's restrictive procedures plan.

3.8 The policies in sections 3.1-3.7 above will be adjusted, as required by federal and state laws and regulations and by the student's individual education plan (IEP), for special education students. For more information, refer to appropriate sections of Administrative Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior, other district policies and regulations related to special education students and the District 196 Child Study Handbook.

4. **Prohibition of Harassment, Discrimination (Including Sex Discrimination under Title IX), Violence or Hazing**

4.1 District 196 is committed to maintaining an educational and employment environment that is free from harassment, discrimination, violence or hazing. District 196 prohibits any form of harassment, discrimination, violence or hazing, as these terms are defined herein.

4.1.1 It is a violation of this policy for any District 196 student, staff or third party to harass an employee, student, visitor or other person through conduct or communication of a sexual nature or regarding sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information as defined by this policy and supporting administrative regulations.

4.1.2 It is a violation of this policy for any District 196 student, staff or third party to inflict, threaten to inflict or attempt to inflict violence based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information upon any employee, student, visitor or other person.

- 4.1.3 It shall be a violation of this policy for any District 196 student, staff or third party to plan, direct, encourage, aid or engage in hazing. It will also be a violation of this policy for any staff to condone or fail to report any hazing.
- 4.1.4 It shall be a violation of this policy for any District 196 student, staff or third party to engage in discrimination based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information upon any employee, student, visitor or other person.
  - 4.1.4.1 District 196 shall comply with state and federal laws prohibiting discrimination, including Title IX of the Educational Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act in the Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1991, the Genetic Information Nondiscrimination Act of 2008 and the Minnesota Human Rights Act.
  - 4.1.4.2 No person protected by these laws shall, on the grounds of race, color, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in employment or under any educational program or activity operated by the district.
  - 4.1.4.3 The school district complies with a number of state and federal laws prohibiting discrimination. Copies of these laws are available for no charge in each district building and on the district website.
- 4.1.5 The district will act to investigate all complaints, either formal or informal, verbal or written, of harassment, discrimination, violence or hazing, and to discipline or take appropriate action against any employee, student or other district personnel who is found to have violated this policy.
- 4.1.6 District 196 has written procedures for reporting and investigating all complaints of harassment, discrimination, violence or hazing, which provide for appropriate disciplinary action based on results of the investigation and shall communicate these procedures to district personnel and students. Complete grievance procedures can be found in Administrative Regulations 405.7AR and 503.4AR, Harassment Discrimination, Violence or Hazing. The district has appointed the Human Rights Officers who are charged with receiving, investigating and working to remedy complaints of harassment, discrimination, violence or hazing. Among other things, they are responsible for coordinating the district's compliance with applicable discrimination laws, which includes overseeing Title IX complaints relating to sex discrimination and identifying and addressing any problems that arise during the review of such complaints.

- 4.1.6.1 Specifically, the following persons are appointed as Human Rights Officers which includes serving as the District's Title IX, Section 504 and/or ADA coordinators for complaints as follows:
- 4.1.6.1.1 For complaints involving harassment, discrimination, violence or hazing *by district personnel* contact:  
Director of Human Resources  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7859
  - 4.1.6.1.2 For complaints involving harassment, discrimination, violence or hazing *by a student*, contact the appropriate level director:  
Director of Elementary Education (grades k-5)  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7782  
or  
Director of Secondary Education (grades 6-12)  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7712
  - 4.1.6.1.3 For complaints involving the disability *of a student* including their rights under Section 504, contact:  
Director of Special Education  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7629
- 4.1.6.2 A complaint made to one Human Rights Officer that falls within the province of another Human Rights Officer, shall be forwarded to the appropriate Human Rights Officer.
- 4.1.6.3 When appropriate, in fulfilling their duties, Human Rights Officers may delegate investigational and other responsibilities to employees or agents of the district.
- 4.1.6.4 Inquiries concerning the application of federal civil rights laws may be referred to the appropriate Human Rights Officer or to the Office of Civil Rights (OCR), which may be reached at 1-800-421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov).
- 4.1.6.5 A student with a disability is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs. Further information about the rights of students with disabilities can be found in school district regulation 503.6.1AR, on the district website or by contacting the Director of Special Education.

- 4.1.6.6 All vocational opportunities offered by the school district will be offered in a nondiscriminatory manner consistent with law and this regulation. A summary of program offerings and admission criteria can be found in high school student registration guides. District 196 will take steps to assure that English language skills will not be a barrier to admission and participation in vocational programs.
- 4.1.7 The superintendent develops and implements programs and processes to:
  - 4.1.7.1 Assure district compliance in employment or educational programs, athletics, counseling, activities and facilities;
  - 4.1.7.2 Evaluate district operations in terms of applicable federal and state laws prohibiting discrimination, harassment, violence and hazing;
  - 4.1.7.3 Set up a Title IX grievance process and appoint the district Human Resource Officers, and
  - 4.1.7.4 Set up a Section 504 grievance process, and appoint a Section 504 grievance officer.
- 4.1.8 Employees and students are responsible for reporting any evidence of discrimination, harassment, violence or hazing on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information in the district. The district has developed regulations appointing appropriate staff persons to whom reports shall be made. Appropriate action may be taken against all who fail to report instances of discrimination, harassment, violence or hazing.
- 4.1.9 This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, or Equal Employment Opportunity Commission (EEOC), filing a complaint with the OCR, initiating civil action or seeking redress under state criminal statutes and/or federal law.
- 4.1.10 Nothing in this policy shall preclude teaching about issues related to sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information issues as part of the school curriculum.
- 4.1.11 Retaliation - The district shall discipline or take appropriate action against any student or district personnel who retaliates against any person who reports alleged harassment, discrimination, violence or hazing, or against any person who testifies, participates in or assists in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment, discrimination, violence or hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

4.1.12 All persons in the district affected by this policy shall be notified about this policy.

## 4.2 **Definitions**

4.2.1 Sexual Harassment – Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical conduct, other verbal or physical conduct or communication of a sexual nature, including communication accomplished through the use of technology, including sexting and some forms of cyberbullying when (a) submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or education; or (b) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment, public services or education; or (c) that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.

4.2.1.1 In compliance with 4.2.1 above, while sexual harassment encompasses a wide range of conduct, some examples of conduct which may be prohibited include:

- 4.2.1.1.1 Promising, directly or indirectly, a reward, if the student or employee complies with a sexually oriented request;
- 4.2.1.1.2 Threatening, directly or indirectly, retaliation if the student or employee refuses to comply with a sexually oriented request;
- 4.2.1.1.3 Denying, directly or indirectly, an employment or education-related opportunity, if the student or employee refuses to comply with a sexually oriented request;
- 4.2.1.1.4 Engaging in unwelcome sexually suggestive conversation, physical contact or touching of another student or employee;
- 4.2.1.1.5 Sexual exploitation and sexually based stalking and/or bullying;
- 4.2.1.1.6 Displaying and sharing pornographic or sexually oriented materials;
- 4.2.1.1.7 Engaging in indecent exposure;
- 4.2.1.1.8 Making unwelcome sexual or romantic advances toward a student or employee and persisting despite the student or employee’s rejection of the advances, or

- 4.2.1.1.9 Sexual misconduct, which is any non-consensual physical contact of a sexual nature. It may include any intentional sexual touching, however slight, without consent.
- 4.2.1.2 Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.
- 4.2.1.3 Sexual harassment can involve males and females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.
- 4.2.2 Violence – For purposes of this policy, violence is a physical act of aggression or force or the threat of aggression or force that is based upon that person’s sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission age or genetic information. Violence may include threats communicated through use of technology, including some forms of cyberbullying.
- 4.2.3 Harassment based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation age, or genetic information:
  - 4.2.3.1 Harassment consists of physical or verbal conduct or communication, including electronic communication that is demeaning or hostile to an individual’s status related to one or more of the categories listed in section 4.2.3 above when:
    - 4.2.3.1.1 Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or education, or
    - 4.2.3.1.2 Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services or education, or
    - 4.2.3.1.3 That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.
- 4.2.4 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. Hazing may occur on or off school property and during or outside of school hours.



- 4.2.5 Discrimination – Discrimination means to segregate or separate on the basis of an individual’s sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information, except where authorized by law. Discrimination includes the following: to exclude from admission, to deny access to or participation in or the benefits of programs or activities, including vocational opportunities or to otherwise subject to discrimination in employment or in any educational program or activity operated by the district.

**5. Prohibition of Bullying and Intimidation**

- 5.1 Students have the right to be safe and free from threatening situations on school property, at school activities and in district vehicles. Bullying interferes with students’ ability to learn and teachers’ ability to educate students in a safe environment. To the extent bullying affects the educational environment of schools, it is the school district’s intent to prevent bullying from occurring, and to investigate and respond to bullying that has not been prevented.
- 5.2 District 196 defines bullying as intimidating, threatening, abusive or harming conduct that is objectively offensive and:
  - 5.2.1 There is an actual or perceived imbalance of power between the student engaging in the conduct and the target of the conduct and the conduct is repeated or forms a pattern, or
  - 5.2.2 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.
- 5.3 District 196 defines cyberbullying as 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 to bully another.
  - 5.3.1 Bullying behavior should be reported to a staff member. The district’s processes for reporting and responding to bullying behavior can be found in Administrative Regulation 503.8 AR, Bullying Prohibition and Procedure 503.8P, Report of Bullying Behavior.

**6. Acceptable Use of Information Technology**

- 6.1 District 196 offers employees, students and other authorized users (as determined by the Technology Department and school and department administrators) access to a variety of information technology resources, including the Internet and email (at approved grade levels). Internet access in District 196 offers employees and students vast, diverse, unique and ever-changing resources, and promotes educational excellence by facilitating resource sharing, innovation and communication.
- 6.2 Use of the Internet, district computer networks and computer workstations is a privilege which may be revoked at any time for abusive conduct.

- 6.2.1 District networks are a shared resource which are the property of the school district and, as such, may be subject to district-authorized search to ensure the integrity of the network and compliance with policies and laws.
- 6.2.2 In addition to the district's standard consequences for student misbehavior (see Administrative Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior), any network misuse or illegal activities will result in temporary or permanent cancellation of network privileges, contact with the student's parent or guardian and, if a violation of law has occurred, contact with law enforcement authorities.
- 6.2.3 In response for the privilege of accessing the Internet, every Internet user has the responsibility to respect and protect the rights of every other user on the Internet, and to act in a responsible, ethical and legal manner. The administration shall develop regulations for student use of the Internet.
- 6.2.4 Network users should not assume that stored data and files are private. Network storage will be treated like school lockers. Network administrators may review files and communications to maintain system integrity and ensure that users are utilizing the system responsibly.
- 6.2.5 Access to the Internet is given to students who agree to act in a considerate and responsible manner. Parent or guardian permission is required as described in Administrative Regulation 503.7AR, Acceptable Use of Information Technology - Students.
- 6.3 Students, employees and parents are advised that the Internet contains inappropriate material. The district does not condone the access or use of such materials in the school environment. Students who knowingly bring such materials into the school environment on their own initiative, regardless of format, will be dealt with according to standard district discipline policies. The district reserves the right to revoke access to the Internet for student misuse.
- 6.4 In accordance with federal law, the district attempts to block or filter Internet access to visual depictions that are obscene, pornographic or harmful to minors.
- 6.5 Concerns from students, parents and guardians about Internet or other computer network information that is assigned to a student by a teacher or is otherwise part of teacher-led or directed instruction will be handled in the same manner as concerns about other instructional resources used in District 196. Policies and regulations regarding instructional resources, including selection and reconsideration, also apply to network resources.
7. **Patriotic Exercises** – Student appreciation and understanding of the United States of America, the American heritage and democratic ideals are enhanced by ceremonies and other observances.
  - 7.1 The Pledge of Allegiance shall be said at every school every school day, and schools shall regularly involve students in activities and programs to increase student understanding of the United States of America and its heritage.

- 7.2 In accordance with the law, individuals who wish to opt out of saying the Pledge of Allegiance or participation in patriotic exercises due to personal beliefs will be permitted to do so.

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- References:**
- Minnesota Statute 121A.03, Model policy on sexual, religious, and racial harassment and violence
  - Minnesota Statute 121A.0695, School Board Policy; Prohibiting Intimidation and Bullying
  - Minnesota Statutes 121A.40-121A.56, Pupil Fair Dismissal Act
  - Minnesota Statute 121A.582, Student discipline; reasonable force
  - Minnesota Statute 121A.69, Hazing
  - Minnesota Statutes 125A.094-125A.0942, Restrictive procedures for children with disabilities
  - Minnesota Statute Chap. 363A, Minnesota Human Rights Act
  - Minnesota Statute 609.321-609.324, Prostitution
  - Minnesota Statute 609.341-609.345, Definitions
  - Minnesota Statute 626.556, Reporting of maltreatment of minors
  - Minnesota Administrative Rules 3525.3700-4700, Due process
  - West Virginia State Board of Education vs. Barnette, 63 U.S. Supreme Court 1178 (1943)
  - 47 U.S.C. § 254(h), Children’s Internet Protection Act
  - 20 U.S.C. 1681 et seq (Title IX of the Educational Amendments of 1972)
  - 42 U.S.C. 2000e et seq (Title VI and VII of the Civil Rights Act)
  - 42 U.S.C. 12101 et seq (Americans with Disabilities Act of 1991)
  - 29 U.S.C. 621 et seq (Age Discrimination in Employment Act of 1967)
  - 29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)
  - 42 U.S.C. 2000ff (Title II of Genetic Information Nondiscrimination Act of 2008)
  - District 196 Restrictive Procedures Plan