

**Policy Committee Meeting**  
Duluth Public Schools, ISD 709  
Agenda  
Thursday, December 11, 2025  
District Services Center  
709 Portia Johnson Dr.  
Duluth, MN 55811  
4:30 PM

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

MSBA/MASA Model Policy 709

Orig. 1995

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

Rev. 2025

## 709 STUDENT TRANSPORTATION SAFETY POLICY

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

### I. PURPOSE

The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

### II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

#### A. School Bus Safety Week

The school district may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

#### B. Student School Bus Safety Training

1. The school district shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
  - a. transportation by school bus is a privilege, not a right;
  - b. school district policies for student conduct and school bus safety;
  - c. appropriate conduct while on the bus;
  - d. the danger zones surrounding a school bus;
  - e. procedures for safely boarding and leaving a school bus;
  - f. procedures for safe vehicle lane crossing; and
  - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instruction materials by the end of the sixth week of school, if they have not previously received school bus training. Students in grades K through 10 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous school districts shall undergo school bus safety training or receive bus safety instructional materials within 4 weeks of their first day of attendance.
3. The school district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minnesota Statutes, section 169.446, subdivision 2.

5. The school district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
7. The school district may provide kindergarten students with school bus safety training before the first day of school.
8. The school district shall adopt and make available for public review a curriculum for transportation safety education.
9. Nonpublic school students transported by the school district will receive school bus safety training by their nonpublic school. The nonpublic schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the nonpublic school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.

C. Active Transportation Safety Training

1. Training Required

- a. The school district must provide public school pupils enrolled in kindergarten through grade 3 with age-appropriate active transportation safety training. At a minimum, the training must include pedestrian safety, including crossing roads.
- b. The school district must provide pupils enrolled in grades 4 through 8 with age-appropriate active transportation safety training. At a minimum, the training must include:
  - (1) pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique;
  - (2) bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques; and
  - (3) electric-assisted bicycle safety, including that a person under the age of 15 is not allowed to operate an electric-assisted bicycle.

2. Instruction

- a. The school district may provide active transportation safety training through distance learning.
- b. The district and a nonpublic school must make reasonable accommodations for the active transportation safety training of pupils known to speak English as a second language and pupils with disabilities.

**III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR**

- A. Riding the school bus is a privilege, not a right. The school district's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. In addition, all school bus/bus stop

misconduct will be reported to the school district's **transportation manager** ~~safety director~~. Serious misconduct may be reported to local law enforcement.

1. School Bus and Bus Stop Rules

The school district school bus safety rules are to be posted on every bus. If these rules are broken, the school district's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the school district's Transportation Office/School Office.

2. Rules at the Bus Stop

- a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
- b. Respect the property of others while waiting at your bus stop.
- c. Keep your arms, legs, and belongings to yourself.
- d. Use appropriate language.
- e. Stay away from the street, road, or highway when waiting for the bus.
- f. Wait until the bus stops before approaching the bus.
- g. After getting off the bus, move away from the bus.
- h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- i. No fighting, harassment, intimidation, or horseplay.
- j. No use of alcohol, tobacco, or drugs.

3. Rules on the Bus

- a. Immediately follow the directions of the driver.
- b. Sit in your seat facing forward.
- c. Talk quietly and use appropriate language.
- d. Keep all parts of your body inside the bus.
- e. Keep your arms, legs, and belongings to yourself.
- f. No fighting, harassment, intimidation, or horseplay.
- g. Do not throw any object.
- h. No eating, drinking, or use of alcohol, tobacco, or drugs.
- i. Do not bring any weapons or dangerous objects on the school bus.
- j. Do not damage the bus.

4. Consequences

- a. Consequences for school bus/bus stop misconduct will apply to all regular

and late routes. Decisions regarding a student's ability to ride the bus in connection with cocurricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of the school district. Parents or guardians will be notified of any suspension of bus privileges.

These consequences are outlined in the [Student Handbook](#). See the Table of Contents under Transportation of Public School Students to find the exact page.

(1) ~~Elementary (K-6)~~

~~1st offense — warning  
2nd offense — 3 school day suspension from riding the bus  
3rd offense — 5 school day suspension from riding the bus  
4th offense — 10 school day suspension from riding the bus/meeting with parent  
Further offenses — individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.~~

(2) ~~Secondary (7-12)~~

~~1st offense — warning  
2nd offense — 5 school day suspension from riding the bus  
3rd offense — 10 school day suspension from riding the bus  
4th offense — 20 school day suspension from riding the bus/meeting with parent  
5th offense — suspended from riding the bus for the remainder of the school year~~

**[Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense.]**

(3) Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

(4) Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the school district to local law enforcement and the Department of Public Safety in accordance with state and federal law.

(5) Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2 weeks may result in the loss of bus privileges until damages are paid.

(6) Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

(7) Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate school district personnel and local law enforcement officials will be informed.

**IV. PARENT AND GUARDIAN INVOLVEMENT**

A. Parent and Guardian Notification

The school district school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with school district rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
3. Communicate safety concerns to their school administrators;
4. Monitor bus stops, if possible;
5. Have their children to the bus stop 5 minutes before the bus arrives;
6. Have their children properly dressed for the weather; and
7. Have a plan in case the bus is late.

**V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES**

- A. School bus drivers shall have a valid Class A, **or** B, ~~or~~ C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.
- B. The school district shall conduct mandatory drug and alcohol testing of all school district bus drivers and bus driver applicants in accordance with state and federal law and school district policy.
- C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of

the following offenses:

1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
  2. reckless driving;
  3. improper or erratic traffic lane changes;
  4. following the vehicle ahead too closely;
  5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
  6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession;
  7. driving a commercial vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;
  8. a violation of a state or local law prohibiting texting while driving a commercial vehicle; and
  9. a violation of a state or local law prohibiting the use of a hand-held mobile telephone while driving a commercial vehicle.
- D. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing and shall contain all the information set forth in Attachment A accompanying this policy.
- E. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing and shall contain all the information set forth in Attachment B accompanying this policy.
- F. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (i.e., driving while impaired offenses), VII.C.1.h. (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within 10 days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy.

## **VI. SCHOOL BUS DRIVER TRAINING**

- A. Training
1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall

meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The school district shall retain on file an annual individual school bus driver "evaluation certification" form for each school district driver as contained in the Model School Bus Driver Training Manual.

**[NOTE: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]**

2. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the school district or the entity from whom such services are contracted by the school district.

**B. Evaluation**

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual "school bus driver evaluation form" (road test evaluation) as contained in the Model School Bus Driver Training Manual.

**[NOTE: The school district may use alternative assessments rather than those set forth in the Model School Bus Driver Training Manual for bus driver training competencies with the approval of the Commissioner of Public Safety. A driver also may receive at least 8 hours of school bus in-service training in any year as an alternative to being assessed for bus driver competencies after the initial year of being assessed for bus driver competencies.]**

**VII. OPERATING RULES AND PROCEDURES**

**A. General Operating Rules**

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.

**[NOTE: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]**



2. Only students assigned to the school bus by the **transportation office** school district shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to school district policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

**[NOTE: A school district is not required to comply with Section VII.A.5. if the school board determines that alternative locations block traffic, impair student safety, or are not cost effective.]**

6. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion or a part of traffic. For purposes of this paragraph, "school bus" has the meaning given in Minnesota Statutes, section 169.011, subdivision 71. In addition, "school bus" also includes type III vehicles when driven by employees or agents of the school district. "Cellular phone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. Vehicles model year 2007 or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, 49 Code of Federal Regulations, Part 571.
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.

9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
  - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
  - b. First aid kit and body fluids cleanup kit. A minimum of a 10-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
  - c. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.

C. Type III Vehicle Driven by Employees with a Driver's License Without a School Bus Endorsement

1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
  - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.
  - b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
    - (1) safe operation of a type III vehicle;

- (2) understanding student behavior, including issues relating to students with disabilities;
  - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
  - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
  - (5) handling emergency situations;
  - (6) proper use of seat belts and child safety restraints;
  - (7) performance of pretrip vehicle inspections;
  - (8) safe loading and unloading of students, including, but not limited to:
    - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
    - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
    - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
    - (d) placing the type III vehicle in "park" during loading and unloading;
    - (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and
  - (9) compliance with paragraph V.F. concerning reporting convictions to the employer within 10 days of the date of conviction.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minnesota Statutes, section 122A.18, subdivision 8, or Minnesota Statutes, section 123B.03 for school district employees; Minnesota Statutes, section 144.057 or Minnesota Statutes, chapter 245C for day care employees; or Minnesota Statutes, section 171.321, subdivision 3, for all other persons operating a type III vehicle under this section.
  - d. Operators shall submit to a physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
  - e. The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under Minnesota Statutes, section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill

random alcohol testing requirements.

- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by Minnesota Statutes, section 171.321, subdivision 5.
  - g. A person who sustains a conviction, as defined under Minnesota Statutes, 609.02, of violating Minnesota Statutes, section 169A.25, 169A.26, 169A.27 (driving while impaired offenses), or 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minnesota Statutes, sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for 5 years from the date of conviction.
  - h. A person who has ever been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215, subdivision 1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
  - i. A person who sustains a conviction, as defined under Minnesota Statutes, section 609.02, of a moving offense in violation of Minnesota Statutes, chapter 169 within 3 years of the first of 3 other moving offenses is precluded from operating a type III vehicle for 1 year from the date of the last conviction.
  - j. Students riding the type III vehicle must have training required under Minnesota Statutes, section 123B.90, Subd. 2 (See Section II.B., above).
  - k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.
- 2. The Type III vehicle must bear a current certificate of inspection issued under Minnesota Statutes, section 169.451.
  - 3. An employee of the school district who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the school district, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.
- D. Type A-I "Activity" Buses Driven by Employees with a Driver's License Without a School Bus Endorsement
- 1. The holder of a Class D driver's license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
    - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
    - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

- c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
  - d. The operator has submitted to a background check and physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
  - e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minnesota Statutes, section 171.02, subdivisions 2a(h) - 2a(j).
  - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre- school Age Children in School Buses," if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
  - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
- 2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
  - 3. A school bus operated under this section must bear a current certificate of inspection.
  - 4. The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this section.

### VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call "911" or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III "Crash & Emergency Preparedness" of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).

**[NOTE: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]**

- C. School bus drivers and bus assistants for special education students requiring special transportation service because of a disability shall be trained in basic first aid procedures, shall within one (1) month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. **Medical Notes shall be maintained on the school bus for students.** ~~Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:~~
  - 1. ~~the student's name and address;~~
  - 2. ~~the nature of the student's disabilities;~~
  - 3. ~~emergency health care information; and~~

4. ~~the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.~~

**IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS**

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school district's record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

**X. SCHOOL TRANSPORTATION SAFETY DIRECTOR**

The school board has designated **the transportation manager** ~~an individual~~ to serve as the school district's school transportation safety director. The school transportation safety director shall have day-to-day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the school district. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required Minnesota Statutes, section 171.321, subdivision 4. The transportation safety director also shall annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver's license of each employee who regularly transports students for the school district in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the school district superintendent or the superintendent of the school district where nonpublic students are transported, the school transportation safety director also shall certify to the superintendent that students have received school bus safety training in accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the school district office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

**XI. STUDENT TRANSPORTATION SAFETY **HAZARD** COMMITTEE**

The school board may establish a student transportation safety **hazard** committee. The chair of the student transportation safety committee is the school district's school transportation safety director. The school board shall appoint the other members of the student transportation safety **hazard** committee. Membership may include parents, school bus drivers, representatives of school bus companies, local law enforcement officials, other school district staff, and representatives from other units of local government.

- Legal References:**
- Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)
  - Minn. Stat. § 123B.03 (Background Check)
  - Minn. Stat. § 123B.42 (Textbooks; Individual Instruction or Cooperative Learning Material; Standard Tests)
  - Minn. Stat. § 123B.88 (Independent School Districts; Transportation)
  - Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)
  - Minn. Stat. § 123B.90 (School Bus Safety Training)
  - Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)
  - Minn. Stat. § 123B.935 (Active Transportation Safety Training)
  - Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)

Minn. Stat. Ch. 169 (Traffic Regulations)  
 Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)  
 Minn. Stat. § 169.02 (Scope)  
 Minn. Stat. § 169.443 (Safety of School Children; Bus Driver’s Duties)  
 Minn. Stat. § 169.446, Subd. 2 (Safety of School Children; Training and Education Rules)  
 Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)  
 Minn. Stat. § 169.454 (Type III Vehicle Standards)  
 Minn. Stat. § 169.4582 (Reportable Offense on School Buses)  
 Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)  
 Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)  
 Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)  
 Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)  
 Minn. Stat. § 171.168 (Notice of Violation by Commercial Driver)  
 Minn. Stat. § 171.169 (Notice of Commercial License Suspension)  
 Minn. Stat. § 171.321 (Qualifications of School Bus and Type III Vehicle Drivers)  
 Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)  
 Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)  
 Minn. Stat. Ch. 245C (Human Services Background Studies)  
 Minn. Stat. § 609.02 (Definitions)  
 Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)  
 49 C.F.R. Part 383 (Commercial Driver’s License Standards; Requirements and Penalties)  
 49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)  
 49 C.F.R. § 383.33 (Notification of Driver’s License Suspensions)  
 49 C.F.R. § 383.5 (Transportation Definitions)  
 49 C.F.R. § 383.51 (Disqualification of Drivers)  
 49 C.F.R. Part 571 (Federal Motor Vehicle Safety Standards)

**Cross References:**

MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)  
 MSBA/MASA Model Policy 506 (Student Discipline)  
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
 MSBA/MASA Model Policy 707 (Transportation of Public Students)  
 MSBA/MASA Model Policy 708 (Transportation of Nonpublic Students)  
 MSBA/MASA Model Policy 710 (Extracurricular Transportation)

### ~~3150 — TRANSPORTATION — RESPONSIBILITIES OF PRINCIPALS~~

~~Pupils are not to be excluded from the bus along the route for a violation of discipline; all such violations shall be reported by the bus driver to the principal and to the Supervisor of Transportation using the Bus Driver's Report of Student Misconduct form.~~

~~The principal shall investigate all complaints of misbehavior on school buses and take appropriate disciplinary action when necessary.~~

~~Principals shall arrange for the prompt release at the end of the school day of students who are to ride school buses. The principal, or designee, shall advise the parents if a transported student misses any bus, and the student or parents/ guardian shall make their own transportation arrangements in such an emergency.~~

~~In instances where student misbehavior has caused damage to the school bus, a statement of repair costs will be mailed to the parents for reimbursement to the School District for such repair costs.~~

~~Lists of transported students are to be maintained by each school. Changes of address, deletions, or additions must be reported to the Transportation Department on a Route Revision Request form.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 10-21-1975~~

~~11-13-1979~~

~~07-11-1989~~

~~06-20-1995 ISD 709~~



## **~~3160—STUDENT TRANSPORTATION SAFETY POLICY~~**

### **~~I. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING~~**

#### ~~—A. School Bus Safety Week~~

~~The first full week of school is designated as school bus safety week.~~

#### ~~—B. Student Training~~

~~The School District shall provide students enrolled in grades kindergarten through 12 with school bus safety training. The training shall be results-oriented and shall consist of both classroom instruction and practical training using a school bus and a Duluth Transit Authority bus, where applicable. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:~~

- ~~1. transportation by school bus is a privilege, not a right~~
- ~~2. School District policies for student conduct and school bus safety~~
- ~~3. appropriate conduct while on the bus~~
- ~~4. the danger zones surrounding a school bus~~
- ~~5. procedures for safely boarding and leaving a school bus~~
- ~~6. procedures for safe vehicle lane crossing~~
- ~~7. school bus evacuation and other emergency procedures~~

~~Student school bus safety training shall commence during school bus safety week. All students who are transported by school bus and are enrolled during the first week of school must demonstrate achievement of the school bus safety training competencies by the end of the third full week of school. Students who enroll in a school after the first week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within three weeks of the first day of attendance. The School District may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability.~~

~~The School District will, to the extent possible, provide kindergarten students with school bus safety training before the first day of school.~~

~~The School District will also provide student safety education for bicycling and pedestrian safety.~~

~~The School District's curriculum for transportation is maintained and available for review in the Transportation Office.~~

### **~~II. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR~~**

~~Riding the school bus is a privilege, not a right. Students are expected to follow the same behavioral standards while riding school buses as are expected on school property or at school activities, functions, or events. All school rules are in effect while a student is riding the bus or at the bus stop.~~

~~Consequences for school bus/bus stop misconduct will be imposed by the building principal or the principal's designee. In addition, all school bus/bus stop misconduct will be reported to the School District's Transportation Safety Director and to the Supervisor of Transportation. Serious misconduct may be reported to law enforcement.~~

#### ~~—A. School Bus and Bus Stop Rules~~

~~—The School District school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. Consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the School District's Transportation Office/School Office.~~

#### ~~B. Rules at the Bus Stop~~

- ~~1. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.~~
- ~~2. Respect the property of others while waiting at your bus stop.~~
- ~~3. Keep your arms, legs, and belongings to yourself.~~
- ~~4. Use appropriate language.~~
- ~~5. Stay away from the street, road, or highway when waiting for the bus. Wait until the bus stops before approaching the bus.~~
- ~~6. After getting off the bus, move away from the bus.~~
- ~~7. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.~~
- ~~8. No fighting, harassment, intimidation, or horseplay.~~
- ~~9. No use of alcohol, tobacco, or drugs.~~

#### ~~C. Rules on the Bus~~

- ~~1. Immediately follow the directions of the driver.~~
- ~~2. Sit in your seat facing forward.~~
- ~~3. Talk quietly and use appropriate language.~~
- ~~4. Keep all parts of your body inside the bus.~~
- ~~5. Keep your arms, legs, and belongings to yourself.~~
- ~~6. No fighting, harassment, intimidation, or horseplay.~~
- ~~7. Do not throw any object.~~
- ~~8. No eating, drinking, or use of tobacco or drugs.~~
- ~~9. Do not bring any weapon or dangerous objects on the school bus.~~
- ~~10. Do not damage the school bus.~~

#### ~~D. Consequences~~

~~Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be in the sole discretion of the School District. Parents or guardians will be notified of any suspension of bus privileges.~~

~~1st offense—warning—parent notification~~

~~2nd offense—up to five (5) school day suspension from riding the bus~~

~~3rd offense—up to one (1) month suspension from riding the bus~~

~~Further offenses—up to one (1) year suspension from riding the bus/meeting with parent~~

#### ~~1. Other Discipline~~

~~Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school may also result from school bus/bus stop misconduct.~~

#### ~~2. Records~~

~~Records of school bus/bus stop misconduct will be forwarded to the individual school building and to the Transportation Office and will be retained in the same manner as other student discipline records. Reports of serious misconduct will be provided to~~

~~the Department of Public Safety. Records may also be maintained in the Transportation Office.~~

~~3. Vandalism/Bus Damage~~

~~Students damaging school buses will be responsible for the damages as will their parents. Failure to pay such damages (or make arrangements to pay) within two weeks of mailing a statement of damages may result in the loss of bus privileges until damages are paid.~~

~~4. Notice~~

~~Students will be given a copy of school bus and bus stop rules during school bus safety training. Rules are to be posted on each bus and both rules and consequences will be periodically reviewed with students by the driver. The parents of each elementary student shall receive annually a summary of rules of safety, eligibility, and behavior.~~

~~5. Criminal Conduct~~

~~In cases involving criminal conduct (for example, assault, weapons, possession, or vandalism), the Superintendent, and local law enforcement officials.~~

### ~~III. **PARENT AND GUARDIAN INVOLVEMENT**~~

~~A. Parent/Guardian Responsibilities for Transportation Safety~~

- ~~1. Become familiar with School District rules and policies, regulations, and principles of school bus safety.~~
- ~~2. Assist students in understanding safety rules and encourage them to abide by them.~~
- ~~3. Recognize their responsibilities for the actions of their students.~~
- ~~4. Support safe riding practices and reasonable discipline efforts.~~
- ~~5. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.~~
- ~~6. Support procedures for emergency evacuation and procedures in emergencies as set up by the School District.~~
- ~~7. Respect the rights and privileges of others.~~
- ~~8. Communicate safety concerns to school administrators.~~
- ~~9. Monitor bus stops, if possible.~~
- ~~10. Support all efforts to improve school bus safety.~~

~~B. Parent and Guardian Notification~~

~~A copy of the School District school bus and bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents and guardians are asked to review the rules with their students.~~

### ~~IV. **SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES**~~

~~All school bus drivers shall be adequately prepared, both physically and mentally, each day to perform required duties. The driver is in full charge of the bus and the driver's duties include:~~

~~A. Operating the vehicle in a safe and efficient manner:~~

- ~~1. Safety. The primary concern of each driver is safety. Drivers will exercise extreme caution during the loading and unloading process as well as when driving.~~
- ~~2. Defensive Driving. All drivers are to drive defensively at all times. A definition of defensive driving is: driving in a manner to avoid accident involvement despite adverse conditions created by roads, weather, traffic, or errors of other drivers or pedestrians.~~
- ~~3. Driving Adjustments. Winter and wet weather driving may require adjusting speed and normal driving practices to compensate for road conditions.~~

- ~~4. Emergency Doors. Emergency doors must be free and operable. Under no circumstances may the doors be obstructed to prevent easy access.~~
- ~~5. Service Door. The service door of the bus must be closed at all times while the bus is in motion.~~
- ~~6. Overloads. The registration card in all vehicles designates the maximum number of passengers allowed to be carried. This limit cannot be exceeded. A driver should call the designated individual for instructions should a vehicle become overloaded.~~
- ~~7. Railroad Crossings. All vehicles used to transport must stop at railroad crossings, using required procedures, whether they are loaded or empty. School buses shall not activate the eight-way lights; four-way hazard lights are to be used before stopping and when crossing the tracks.~~
- ~~8. Speeding and Other Moving Violations. No bus will travel faster than road, traffic, and weather conditions safely permit regardless of the posted speed limit. Any driver convicted of a moving violation with a school bus will face disciplinary action. Other reports or warnings regarding speeding will result in suspension and/or termination.~~
- ~~9. Smoking Prohibited. Smoking by either the driver or the passengers is prohibited on any school bus, Type III vehicle, or on school property.~~

~~B. Conducting thorough pre-trip and post-trip inspections of the vehicle and special equipment:~~

- ~~1. Bus Inspection. Drivers are required to make a pre-trip inspection of the bus before each trip. Failure to do so is a violation of state law. Defects are to be reported in writing. Drivers are required to check their buses for students, vandalism, and articles left on the bus after each route segment.~~
- ~~2. Safety Equipment. All drivers are responsible for ensuring that the necessary safety equipment is aboard the bus, including fire extinguisher, first aid kit, bodily fluids clean-up kit, flashlight, reflectorized emergency warning device, and any additional items required by the District. Drivers of vehicles for disabled students will ensure all student health information cards are on-board the bus.~~
- ~~3. Bus Cleaning. Drivers are required to keep the interior of their buses swept and free of trash at all times.~~
- ~~4. Fueling. The driver is responsible for ensuring that his or her assigned vehicle is adequately fueled before leaving the yard. Smoking is prohibited in the fueling area. The engine shall be turned off while fueling. Drivers should never fuel with passengers aboard.~~

~~C. Ensuring the safety, welfare, and orderly conduct of passengers while on the bus. (See Section II)~~

~~D. Meeting emergency situations in accordance with operating procedures. (See Section V)~~

~~E. Communicating effectively with school staff, students, parents, law enforcement officials, and the motoring public:~~

- ~~1. Relations with Students. Bus drivers will treat students with respect and will refrain from any conduct which is intended or could be perceived as demeaning, intimidating, or harassing and shall endeavor to establish and maintain good rapport with the students.~~
- ~~2. Relations with School Officials. School officials can and will be of considerable assistance to drivers. They are trained in the education of students, and it is in their best interest that control and discipline be maintained on the bus. Therefore, it is very important drivers have good relationships with the school officials and give them full cooperation.~~
- ~~3. Relations with the Public. It is important to remember that, to the general public,~~

~~the driver represents the School District. Buses are one of the most visible vehicles on the road. Drivers must deal with students, parents, and other motorists in a polite, professional, and considerate manner.~~

- ~~4. Student Discipline. Although drivers are responsible for maintaining order on the bus, drivers must always remember that the types of actions they may use are limited. Drivers must never, under any circumstances, use corporal punishment. Drivers have no authority to deny a child the privilege of riding the bus or drop the student at other than the designated stop. Any denial of bus-riding privileges can come only from the school authorities.~~
- ~~5. Route Changes. No driver is to make changes in the pick-up or drop-off schedule for his or her route without prior authorization. No stops are to be added, deleted, or moved without approval. No driver may deviate from the established route without prior permission except as required by an emergency or temporary road conditions. All requests for route changes shall be referred to the Supervisor of Transportation.~~
- ~~6. Route Problems. Any problems, of whatever kind, encountered by a driver on the routes or trips should be brought to the attention of the designated individual as soon as possible.~~
- ~~7. Unauthorized Passengers. Only authorized passengers may be transported in a bus. Any other passenger must be specifically approved.~~
- ~~8. Notices. It is the responsibility of the driver to check for notices each day and to check with his or her supervisor regularly.~~
- ~~9. Schedules. Drivers shall maintain their schedules so that no bus is ever early at a stop.~~

~~F. Completing required reports.~~

~~It is the responsibility of the driver to completely fill out and timely turn in all reports, discipline referrals, time cards, and mechanical defect slips as required. This includes all requirements pertaining to pre-trip inspections and stop-arm violation reports.~~

~~G. Completing required training programs successfully. (See Section VI)~~

~~H. Providing maximum safety for passengers during loading and unloading.~~

- ~~1. Standeers Prohibited. Standees are not allowed on a moving school bus. Drivers must not move a bus from a stopped position until all passengers are seated. Students are to remain seated until the bus has stopped.~~
- ~~2. Dangerous Articles. No weapons or articles that may be classified as dangerous may be transported on a school bus. This includes any and all weapons, gasoline cans, animals, and other dangerous or objectionable items. Possession of weapons on school property or the bus will not be tolerated. Companion dogs are allowed.~~

~~I. Wearing driver's seat belt whenever the bus is in motion.~~

~~Additional driver duties and responsibilities may be found in the driver handbook. All bus driver dismissals will be reported to the Department of Public Safety pursuant to Department of Public Safety directions.~~

## ~~V. OPERATING RULES AND PROCEDURES~~

~~A. General Operating Rules~~

- ~~1. All routes shall be on file with the School District's Supervisor of Transportation.~~
- ~~2. Only students assigned to the school bus by the District shall be transported. The number of students or other authorized passengers transported in or assigned to a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.~~
- ~~3. Drivers are to enforce the provisions of the school bus and bus stop rules as~~

~~appropriate. Students may be released from the bus at only two points, the designated bus stop or at school, except in case of an emergency or as otherwise authorized.~~

- ~~4. The parent/guardian may designate by a signed, written request, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet other eligibility requirements.~~
- ~~5. Students who misbehave severely may be returned to the school immediately and reported to the building principal or other designated individual.~~
- ~~6. Safety evacuation drills for the student passengers shall be conducted at least twice a year.~~
- ~~7. There shall be no students in the bus while the fuel tank is being filled. On leaving the vehicle when students are in the bus, the driver shall stop the bus, remove the ignition key, set the brakes, and otherwise render the bus immobile.~~
- ~~8. Buses shall not be run backwards on the school grounds or any other point if it can be avoided. If it is necessary to run a bus backwards on school grounds, the driver shall have another responsible person act as a guard flagman in back of the bus to keep other persons out of the path and to issue warnings to the driver of approaching traffic.~~
- ~~9. When arriving or leaving the school grounds, the driver must not follow closer than fifty (50) feet from the vehicle directly in front of the bus or closer than five hundred (500) feet when traveling on the highway.~~
- ~~10. No school bus shall pull any trailer when students are being transported on regular routes to or from school.~~
- ~~11. In case of an accident or breakdown of the bus, the driver shall contact the dispatcher using the two-way radio. If no radio contact is available, the driver shall not leave the bus but shall send two responsible students to the nearest house to summon help.~~
- ~~12. The District may adopt such additional operating rules as are deemed necessary to meet local conditions and needs, provided they do not conflict with State laws and regulations.~~

#### ~~B. Use of Signals, Loading or Unloading~~

- ~~1. The driver shall activate the flashing eight light system of the bus at least three hundred (300) feet before stopping to load or unload students when outside an incorporated municipality, and one hundred (100) feet when operating within an incorporated municipality, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the roadway or highway are safely across. The driver shall not activate the flashing eight light system on streets designated by the School Board.~~
- ~~2. Bring the vehicle to a complete stop in the right hand lane of the roadway parallel to the centerline.~~
- ~~3. Prior to discharging students, open door, activate red flashing lights and extend the stop arm. Discharge students only after all traffic (front and rear) has come to a complete stop.~~
- ~~4. Keep door open and eight light system operating until all students have been loaded or unloaded safely.~~
- ~~5. The driver should avoid loading or unloading students where the view is obstructed to other motorists for two hundred (200) feet in either direction.~~
- ~~6. The driver will not permit students to stand or get on or off the bus while it is in motion.~~
- ~~7. The driver will bring the bus to a full stop and disengage gears by shifting gear shift lever into neutral position or selector into neutral or park position before loading or~~

~~unloading students.~~

~~8. Buses shall load and unload students only at designated locations.~~

### ~~C. Crossing Highways and Streets~~

~~1. The driver shall be responsible for safely delivering the students who must cross the highway or street by one of the following methods:~~

~~a. Students shall pass approximately ten (10) feet in front of the school bus so as to be seen by the driver and cross the road only upon receiving a hand signal from the driver, or~~

~~b. The student shall pass approximately ten (10) feet in front of the bus so as to be seen by the driver and be conducted across the road by the school bus patrol, or~~

~~c. The driver shall personally conduct the students across the road after following required procedures for disabling the bus.~~

~~d. The driver shall visually ascertain that students getting off the bus who do not need to cross the road are a safe distance from the bus before moving the vehicle.~~

### ~~D. Type III Vehicles~~

~~1. Are defined as a passenger car, station wagon, van or bus having a maximum seating capacity of 10 or fewer people, including the driver, and a gross weight of 10,000 pounds or less. Any Type III vehicle used to transport students must carry all emergency equipment listed in Section IV.B.2. If District owned, the District name will be clearly marked on the side of the vehicle.~~

~~2. The vehicle must comply with the Type III vehicle standards set forth in state statute 169.454.~~

~~3. Use of Type III vehicles shall be requested on a Field Trip Authorization form filed with the school principal.~~

~~4. Students will not be regularly transported in private vehicles. However, private vehicles may be used in an emergency. The District has no system of inspection for private vehicles.~~

~~5. The driver of a District Type III vehicle must conduct a pre-trip inspection. The Transportation Department regulates what is included in this inspection.~~

~~6. All drivers who transport students in Type III vehicles are subject to the same license check requirements as District school bus drivers as required by state law. Each employee who is to transport students in a Type III vehicle must first verify that they are qualified to do so. The principal at each school is responsible for maintaining a list of employees who have had their license checked and who can transport students.~~

## **VI. SCHOOL BUS DRIVER TRAINING**

### A. Training

~~—All new bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction before transporting students and shall meet the competencies specified by the Department of Public Safety. All school bus drivers shall receive a minimum of eight hours of in-service training annually.~~

~~—The following driver training standards represent the **minimum** areas of training which each driver must receive prior to entering service to the School District.~~

#### —1. Pre-Trip Inspection

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Both new and experienced drivers must be familiar with the elements of the mandatory pre-trip inspection required under Minnesota law including:

- The engine compartment—belts, valves, fluid leaks
- Engine start, warning lights, gauges, horn
- Fuel level
- Brakes—pedal reserve and air/vacuum gauges
- Interior—seats, floor, lights
- Electrical charging system
- Emergency door:
  - a. smooth latch operation
  - b. alarm buzzer
- Entrance door operation
- Lift door operation and alarm
- Lift equipment for wheelchairs
- Wheels, service brakes, emergency brake
- Exterior lights—headlights, brake lights, marker lights, turn signals
- Exhaust system
- Windows, windshield, and inspection sticker
- Eight light system and stop arm
- Emergency equipment—first aid kit, bodily fluids clean up kit, flashlight, reflectors, two-way radio

## 2. Fundamentals and Techniques of School Bus Driving

- The driver training program must include:
  - Relevant laws
  - Rules of the road and School District safety policies
  - Defensive driving
  - Driving in inclement weather conditions:
    - a. reduced visibility—rain, snow, fog
    - b. wet roads
    - c. icy roads
  - Dealing with pedestrians and students in traffic
  - Operation of the manual or automatic transmission
  - The use of the drive train for stopping the school bus
  - Situations where the hand brake will and will not stop a moving bus
  - Steering and turning techniques
  - Right and left turn maneuvers
  - Gauging the speed of other vehicles on cross streets
  - Use of mirrors
  - Merging into traffic
  - Visual perceptions
  - Safe following distances
  - Safe passing procedures
  - Safe backing procedures
  - Use of the eight light system and School District regarding its use
  - Loading and unloading procedures
  - Knowledge of the danger zone concept
  - Policies and Procedures for grade level railroad crossings
  - Emergency use of the public address system
  - Response to an approaching emergency vehicle while unloading
  - Leaving the bus unattended at school sites

## 3. Special Services Transportation

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~~Special Services transportation requires skills and abilities that exceed those required to provide normal school bus service. Drivers will be familiar with:~~

- ~~• What to do in a medical emergency~~
- ~~• Handling of wheelchairs~~
- ~~• Operation of lift equipment~~
- ~~• Proper use of wheelchair securement devices~~
- ~~• School District policies on the use of seat belts on designated students~~
- ~~• Handicapping conditions~~
- ~~• Responsibilities of the bus driver and the bus aide~~
- ~~• School District policy in situations where a responsible person is not available to receive a student~~

#### ~~4. Emergency Procedures~~

~~Drivers must be prepared to deal with emergency situations while operating on routes and field trips. Included in these emergency situations are mechanical breakdown, fire, accident, or passenger injury. Drivers are to receive training in:~~

- ~~• Identifying the degree of an emergency before beginning an evacuation~~
- ~~• Identifying a safe evacuation unloading area~~
- ~~• Preplanning emergency evacuations for both conventional and lift buses:~~
  - ~~• a. front, rear, and both door evacuations~~
  - ~~• b. evacuation of special education students~~
  - ~~• c. evacuation of physically disabled students and students using wheelchairs~~
  - ~~• d. placement of students in a safe location~~
- ~~• Cooperation in emergency evacuation drills~~
- ~~• Mechanical breakdowns:~~
  - ~~• a. stop bus in safe location~~
  - ~~• b. keep passengers in bus if safe to do so~~
  - ~~• c. take steps to warn motorists~~
  - ~~• d. radio or call for assistance~~
- ~~• How to secure the school bus and place emergency triangles~~
- ~~• Use of the two-way communication system in an emergency~~
- ~~• When it is appropriate to evacuate the school bus~~
- ~~• How to supervise an emergency evacuation~~
- ~~• Emergency evacuation of the disabled~~
- ~~• Special considerations when evacuating a lift bus~~
- ~~• Lifting techniques for handling disabled students in an emergency situation~~
- ~~• Priorities when dealing with injured passengers~~
- ~~• How to use the school bus first aid kit~~
- ~~• Use and operation of the fire extinguisher~~
- ~~• Dealing with other motorists and the police~~
- ~~• Use of emergency reflectors and hazard lights~~
- ~~• Control of exposure to blood borne pathogens~~
- ~~• Use of body fluid clean up kits~~
- ~~• School District policy on medical emergencies~~
- ~~• Recognition and handling of epileptic seizures~~
- ~~• How to respond if a passenger has a weapon on the bus~~

#### ~~5. First Aid/CPR~~

~~All drivers must demonstrate proficiency in first aid and CPR. This may be shown by~~

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~~current certification in CPR and first aid by the American Red Cross or American Heart Association or equivalent.~~

~~–6. Private or Confidential Student Information~~

~~–Types of student data that are considered private or confidential under Minnesota Statutes.~~

~~–7. Student Discipline~~

- ~~● Creating a positive attitude on the school bus~~
- ~~● Oral and visual communications skills between the driver~~
- ~~● and the passenger~~
- ~~● Dealing confidently with a disruptive student~~
- ~~● District discipline policy~~
- ~~● Developing and enforcing workable rules~~
- ~~● Incident report forms~~
- ~~● District policy on possession of weapons by a student~~
- ~~● District policy on sexual, racial, and religious~~
- ~~● harassment/violence~~
- ~~● District policy on smoking~~

~~–8. Human Relations~~

- ~~● Appropriate driver behavior~~
- ~~● Sensitivity to a diverse student population~~
- ~~● Sensitivity to handicapping conditions~~
- ~~● Relations with parents and school staff~~
- ~~● Working with a special education bus aide~~

~~–9. Chemical Abuse~~

- ~~● How alcohol and/or drugs can affect driving skills~~
- ~~● Drug testing programs~~
- ~~● State and federal requirements~~

~~B. Evaluation~~

~~All drivers will be evaluated for the following competencies at least once annually:~~

- ~~1. safely operate the type of school bus the driver will be driving~~
- ~~2. understand student behavior, including issues relating to students with disabilities~~
- ~~3. ensure orderly conduct of students on the bus and handle incidents of conduct appropriately~~
- ~~4. know and understand relevant laws, rules of the road, and local school bus safety policies~~
- ~~5. handle emergency situations~~
- ~~6. safely load and unload students~~
- ~~7. demonstrate proficiency in first aid and CPR procedures~~

**~~VII. EMERGENCY PROCEDURES~~**

~~–A. Fire~~

~~–In the event of a fire, the first priority is to evacuate the bus. Drivers will make certain passengers are safe before attempting to put out the fire.~~

~~–B. Injuries/Medical Emergencies~~

~~–Drivers and bus helpers will be familiar with first aid and CPR procedures. Drivers should first contact the dispatcher to call 911 in the case of serious injuries. Drivers should administer proper first aid in accordance with their training and level of ability. In the event an injured passenger is taken to the hospital, record the students' name and the name of~~

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the hospital where the student is sent.

~~—C. Tornado~~

~~—If there is likelihood that the tornado will hit a vehicle, and there is no escape route available or no time to drive to a safe location, the driver should evacuate the bus, taking the first aid kit. The driver will take the students to the basement of a nearby building or to the nearest depression or ditch upwind (toward the storm) of the bus far enough away from the bus so that the bus will not roll over on them and instruct them to cover their heads with their arms. If the students are wearing coats or jackets, these can be used to provide additional protection for their heads and bodies. Drivers should take only the first aid kit from the bus.~~

~~—If drivers are on the road when they hear a tornado warning or spot a funnel and there is not time to evacuate the students after stopping the bus, drivers should have the students assume the protective position, remaining in their seats, with their heads below window level.~~

~~—D. Evacuation~~

~~—Drivers should evacuate buses only when there is a danger of fire, collision, or other potential hazard. Drivers should inform passengers that there is an emergency, and in very calm and precise terms, tell them exactly what they are to do. When safely possible, drivers will keep all evacuees a minimum of one hundred (100) feet from the bus. They should be loaded back onto the bus only when the driver has determined it is safe to do so.~~

~~—E. Accident~~

~~—In case of an accident, the driver should immediately assess students for injuries and begin any emergency first aid procedures if necessary. The driver must also notify the School District and law enforcement of any school bus accidents immediately.~~

~~Upon providing emergency care and notifying the District, the driver shall:~~

- ~~1. In cooperation with police officer and/or ambulance service, assist with the care of students.~~
- ~~2. See that all injured students receive proper care.~~
- ~~3. Determine facts pertaining to accident.~~
- ~~4. Call Transportation/District staff to give list of names and circumstances so they can begin calling parents.~~
- ~~5. Discuss the accident only with police and School District officials.~~
- ~~6. Record all students' names.~~
- ~~7. Not leave the scene of an accident until released by the driver's supervisors.~~

~~—Before leaving for the day, the driver shall fill out an accident report. All bus accidents will be reported to the Department of Public Safety.~~

~~—F. Cold Weather Stop~~

~~—If a driver is stuck or stalled in cold weather, the driver should call for assistance and wait for help. The driver should avoid relying on the engine to provide heat for the driver and passengers as long as possible. If it is necessary to run the engine to provide heat, the driver will make sure the exhaust pipe is clear of snow, open windows for ventilation, and check passengers frequently for headaches or drowsiness.~~

~~—G. Dangerous Weapons~~

~~—If a driver observes or learns that a passenger may have a dangerous weapon on the bus, he or she should remain calm and call for assistance using a predetermined code. The driver should give the location of the bus to the dispatcher, continue the route, and wait for assistance. The driver should not inform the passenger suspected of having the weapon that he or she knows of the weapon.~~

~~H. Lights~~

~~In an emergency stop, the driver should turn on the four-way hazard warning lights and running or clearance lights.~~

~~I. Getting Assistance~~

~~Use the two-way radio communications system to get assistance. Drivers should report the location and number of the bus, the nature of the problem, and the status of the passengers. If the driver cannot use a radio to contact the dispatcher, ask a passerby or other motorist to do so from the nearest telephone. The driver should write out the number and location of the school bus, the nature of the emergency, and the status of the passengers.~~

**VIII. VEHICLE MAINTENANCE STANDARDS**

~~A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the School District.~~

~~B. All school vehicles shall be inspected in accordance with legal requirements.~~

~~C. Daily pre-trip inspections shall be required and prompt reports submitted of defects to be immediately corrected.~~

**IX. EXPENDITURES FOR SCHOOL BUS SAFETY ACTIVITIES**

~~A description of School District funds expended for school bus safety activities from student transportation reserved revenue is kept in the office of the Superintendent and is available for review. As required by law, these expenditures will be annually reported to the Department of Public Safety.~~

~~The School District's expenditures for transportation safety are incorporated by reference into this policy.~~

**X. SCHOOL TRANSPORTATION SAFETY DIRECTOR**

~~The School Board has designated an individual to serve as the School District's School Transportation Safety Director. The name, address, and telephone number of the School Transportation Safety Director are on file with the Superintendent. Any questions regarding student transportation or this policy should be addressed to the School Transportation Safety Director.~~

~~References: Mn Rules 7414.00~~

~~Mn Statutes 123B.91, 171.321, 171.3215~~

~~Adopted: 10-18-1994 ISD-709~~

~~Revised: 06-20-1995~~

~~07-20-1999~~

~~04-16-2002 ISD-709~~

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

MSBA/MASA Model Policy 905

Orig. 1996

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

Rev. 2015

## **905 ADVERTISING**

**[NOTE: School districts should carefully consider whether they wish to allow advertising in school district facilities or publications. Once advertisements are accepted, First Amendment rights may limit the school district's ability to reject specific advertisements or to regulate the content of advertisements.]**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for the advertising or promoting of products or services to students and parents in the schools.

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

The school district's policy is that the name, facilities, staff, students, or any part of the school district shall not be used for advertising or promoting the interests of a commercial or nonprofit agency or organization except as set forth below.

### **III. ADVERTISING GUIDELINES**

- A. School publications, including publications such as programs and calendars, may accept and publish paid advertising provided they receive advance approval from the appropriate administrator. In no instance shall publications accept advertising or advertising images for alcohol, tobacco, drugs, drug paraphernalia, weapons, or obscene, pornographic, or illegal materials. Advertisements may be rejected by the school district if determined to be inconsistent with the educational objectives of the school district or inappropriate for inclusion in the publication. For example, advertisements may be rejected if determined to be false, misleading, or deceptive, or if they relate to an illegal activity or antisocial behavior. The faculty advisor is responsible for screening all such advertising for appropriateness, including compliance with the school district policy prohibiting sexual, racial, and religious harassment.
- B. The school board may approve advertising in school district facilities or on school district property. Any approval will state precisely where such advertising may be placed. The restrictions listed in Section A. above will apply. Advertising will not be allowed outside the specific area approved by the school board. Specific advertising must be approved by the superintendent or designee. In no instance will an advertising device be erected or maintained within 100 feet of a school that is visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles.
- C. Donations which include or carry advertisements must be approved by the school board.
- D. The school district or a school may acknowledge a donation it has received from an organization by displaying a "donated by," "sponsored in part by," or a similar by-line with the organization's name and/or symbol on the item. Examples include activity programs or yearbooks.
- E. Nonprofit entities and organizations may be allowed to use the school district name, students, or facilities for purposes of advertising or promotion if the purpose is determined to be educationally related and prior approval is obtained from the school board. Advertising will be limited to the specific event or purpose approved by the school board.

- F. Contracts for computers or related equipment or services that require advertising to be disseminated to students will not be entered into or permitted unless done pursuant to and in accordance with state law.
- G. The inclusion of advertisements in school district publications, in school district facilities, or on school district property does not constitute approval and/or endorsement of any product, service, organization, or activity. Approved advertisements will not imply or declare such approval or endorsement.

#### **IV. ACCOUNTING**

Advertising revenues must be accounted for and reported in compliance with UFARS. A periodic report shall be made to the school board by the superintendent regarding the scope and amount of such revenues.

**Legal References:** Minn. Stat. § 123B.93 (Advertising on School Buses)  
Minn. Stat. § 125B.022 (Contracts for Computers or Related Equipment or Service)  
Minn. Stat. § 173.08 (Excluded Road Advertising Devices)

**Cross References:** MSBA/MASA Model Policy 421 (Gifts to Employees and School Board Members)  
MSBA/MASA Model Policy 702 (Accounting)  
**Policy 810 (Naming Rights & Naming School Facilities)**

## ~~1025 — ADVERTISING~~

~~Generally, the School District facilities, staff, and children shall not promote the interest of any commercial, political, or other non-school agency, individual, or organization, except that:~~

~~This does not include a company logo, trademark, or powered by statement designed into software used by the District.~~

~~The schools may cooperate in furthering the work of any non-profit community wide social service agency.~~

~~Films or other educational materials bearing credits or advertising by commercial firms may be used if they can be justified on the basis of their educational value.~~

~~The Superintendent may, at his/her discretion, announce or authorize to be announced any community activity or event of educational merit.~~

~~The Superintendent may approve advertising at athletic facilities. Products and advertising services should be consistent with the best physical, mental, and moral welfare of the children.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995~~

~~07-17-2001~~

~~01-15-2002 ISD 709~~

## ~~1030 — ADVERTISING IN STUDENT PUBLICATIONS~~

~~Advertising in school publications shall be accepted only from those enterprises whose products or services are consistent with the best physical, mental, and moral welfare of children.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~



## **707 TRANSPORTATION OF PUBLIC SCHOOL STUDENTS**

### **I. PURPOSE**

The purpose of this policy is to provide for the transportation of students consistent with the requirements of law.

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

- A. The policy of the school district is to provide for the transportation of students in a manner which will protect their health, welfare, and safety.
- B. The school district recognizes that transportation is an essential part of the school district services to students and parents but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.

### **III. DEFINITIONS**

- A. "Child with a disability" includes every child identified under federal and state special education law as deaf or hard of hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Education ("Commissioner"). A licensed physician, an advanced practice nurse, a physician assistant, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. In addition, every child under age three, and at the school district's discretion from age three to seven, who needs special instruction and services, as determined by the rules of the Commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability.
- B. "Home" is the legal residence of the child. In the discretion of the school district, "home" also may be defined as a licensed day care facility, school day care facility, a respite care facility, the residence of a relative, or the residence of a person chosen by the student's parent or guardian as the home of a student for part or all of the day, if requested by the student's parent or guardian, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program is within the attendance area of the school the student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the school district if enrolled in the school district.
- C. "Homeless student" means a student, including a migratory student, who lacks a fixed, regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances.

- D. "Nonpublic school" means any school, church, or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of Minnesota Statutes, section 120A.22, which is located within the state, and which meets the requirements of Title VI of the Civil Rights Act of 1964
- E. "Nonresident student" is a student who attends school in the school district and resides in another district, defined as the "nonresident district." In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and the parents reside in different school districts, the student shall be a resident of the school district designated by the student's parents. When parental rights have been terminated by court order, the legal residence of a student placed in a residential or foster facility for care and treatment is the district in which the student resides.
- F. "Pupil support services" are health, counseling, and guidance services provided by the public school in the same district where the nonpublic school is located.
- G. "School of origin," for purposes of determining the residence of a homeless student, is the school that the student attended when permanently housed or the school in which the student was last enrolled.
- H. "Shared time basis" is a program where students attend public school for part of the regular school day and who otherwise fulfill the requirements of Minnesota Statutes, section 120A.22 by attendance at a nonpublic school.
- I. "Student" means any student or child attending or required to attend any school as provided in Minnesota law and who is a resident or child of a resident of Minnesota.

**IV. ELIGIBILITY**

- A. Upon the request of a parent or guardian, the school district shall provide transportation to and from school, at the expense of the school district, for all resident students who reside two miles or more from the school, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student's parent or guardian.
- B. The school district may, in its discretion, also provide transportation to any student to and from school, at the expense of the school district, for any other purpose deemed appropriate by the school board.

The School District's responsibility is to provide transportation as a service for those students that are eligible based on both service area criteria and behavior expectations.

Student eligibility for transportation will be based on the distance of the student's residence, child care facility, or Key Zone site (which the child is attending on a permanent and regularly scheduled basis) from the school to which the pupil is assigned and the grade level of the student.

The School Board has established the following criteria:

Grade Level Distance from Residence to School	
Elementary	0.7 of a mile or more
Middle	1 mile

High 1 mile

Students eligible for transportation may be required to walk the same distance to a school bus stop that non-transported students are required to walk to his/her school.

Parents will assume responsibility of transporting children to and from their home to the permanent, full-time child care facility and Key Zone sites. Special transportation will be handled on an individual basis for students with disabilities.

The School District will provide transportation for students when, in the opinion of the Traffic Safety Hazard Committee, conditions between the child's home and school of attendance create a hazard to the walking child, recognizing the child's age as a factor in this consideration. Questions pertaining to eligibility for transportation due to safety concerns should be referred in writing to the Traffic Safety Hazard Committee.

The Traffic Safety Hazard Committee shall consist of the Transportation Manager, the Transportation Supervisor, a School Board Member, a representative from Voyageur Bus Company, and any others the Superintendent may designate.

- C. In the discretion of the school district, transportation along regular school bus routes may also be provided, where space is available, to any person where such use of a bus does not interfere with the transportation of students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor. Bus transportation also may be provided along school bus routes when space is available for participants in early childhood family education programs and school readiness programs if these services do not result in an increase in the school district's expenditures for transportation.
- D. For purposes of stabilizing enrollment and reducing mobility, the school district may, in its discretion, establish a full-service school zone and may provide transportation for students attending a school in that full-service school zone. A full-service school zone may be established for a school that is located in an area with higher than average crime or other social and economic challenges and that provides education, health or human services, or other parental support in collaboration with a city, county, state, or nonprofit agency.

## **V. TRANSPORTATION OF NONRESIDENT STUDENTS**

- A. If requested by the parent of a nonresident student, the school district shall provide transportation to a nonresident student within its borders at the same level of service that is provided to resident students.
- B. If the school district decides to transport a nonresident student within the student's resident district, the school district will notify the student's resident district of its decision, in writing, prior to providing transportation.
- C. When divorced or legally separated parents or parents residing separately reside in different school districts and share physical custody of a student, the parents shall be responsible for the transportation of the student to the border of the school district during those times when the student is residing with the parent in the nonresident school district.
- D. The school district may provide transportation to allow a student who attends a high-need English language learner program and who resides within the transportation attendance area of the program to continue in the program until the student completes

the highest grade level offered by the program.

## **VI. TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT SCHOOLS**

- A. In general, the school district shall not provide transportation between a resident student's home and the border of a nonresident district where the student attends school under the Enrollment Options Program. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the student is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week. (Minnesota Statutes, section 124D.03, subdivision 8)
- B. Resident students shall be eligible for transportation to and from a nonresident school district at the expense of the school district, if in the discretion of the school district, inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in the resident student's own district unreasonably difficult or impracticable. The school district, in its discretion, may also provide for transportation of resident students to schools in other districts for grades and departments not maintained in the district, including high school, for the whole or a part of the year or for resident students who attend school in a building rented or leased by the school district in an adjacent district.
- C. In general, the school district is not responsible for transportation for any resident student attending school in an adjoining state under a reciprocity agreement but may provide such transportation services at its discretion.

## **VII. SPECIAL EDUCATION STUDENTS/STUDENTS WITH A DISABILITY/ STUDENTS WITH TEMPORARY DISABILITIES**

- A. Upon a request of a parent or guardian, the board must provide necessary transportation, consistent with Minnesota Statutes, section 123B.92, subdivision 1(b)(4), for a resident child with a disability~~ies~~ who is not yet enrolled in kindergarten for the provision of special instruction and services. Special instruction and services for a child with a disability~~ies~~ not yet enrolled in kindergarten include an individualized education program (IEP) team placement in an early childhood program when that placement is necessary to address the child's level of functioning and needs.
- B. Resident students with a disability~~ies whose disabling conditions are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is~~ who are transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the school district or the day training and habilitation program attended by the student. The school district shall determine the type of vehicle used to transport students with a disability on the basis of the disabling condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with the school district.

**[NOTE: The 2025 Minnesota legislature amended Minnesota Statutes, section 123B.92 to remove the deleted language above.]**

- C. Resident students with a disability who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the school district, shall be provided transportation, by the school district to and from said board and lodging facilities, at the expense of the school district.
- D. If a resident student with a disability attends a public school located in a contiguous

school district and the school district of attendance does not provide special instruction and services, the school district shall provide necessary transportation for the student between the school district boundary and the educational facility where special instruction and services are provided within the school district. The school district may provide necessary transportation of the student between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the school district boundary.

- E. When a student with a disability or a student with a short-term or temporary disability is temporarily placed for care and treatment in a day program located in another school district and the student continues to live within the school district during the care and treatment, the school district shall provide the transportation, at the expense of the school district, to that student. The school district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the school district receives a copy of the order, then the school district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the school district during regular operating hours of the school district.
- F. When a nonresident student with a disability or a student with a short-term or temporary disability is temporarily placed in a residential program within the school district, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, the school district shall provide the necessary transportation at the expense of the school district. Where a joint powers entity enters into a contract with a privately owned and operated residential facility for the provision of education programs for special education students, the joint powers entity shall provide the necessary transportation.
- G. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law.
- H. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the alternative dispute resolution and due process procedures provided for in Minnesota Statutes, chapter 125A.

### **VIII. HOMELESS STUDENTS**

- A. Homeless students shall be provided with transportation services comparable to other students in the school district.
- B. Upon request by the student's parent, guardian, or Families in Transition Coordinator, the school district shall provide transportation for a homeless student as follows:
  - 1. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements within the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district.
  - 2. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district,

unless the school district and the school district in which the student is temporarily placed agree that the school district in which the student is temporarily placed shall provide transportation.

3. If a nonresident student is homeless and is residing in a public or private homeless shelter or has other non-shelter living arrangements within the school district, the school district may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of the school district upon agreement with the school district in which the school of origin is located.
4. A homeless nonresident student enrolled under Minnesota Statutes section 124D.08, subdivision 2a, must be provided transportation from the student's district of residence to and from the school of enrollment.

#### **IX. AVAILABILITY OF SERVICES**

Transportation shall be provided on all regularly scheduled school days or make-up days. Transportation will not be provided during the summer school break. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program. Transportation between home and school may also be provided, at the discretion of the school district, on staff development days.

#### **X. MANNER OF TRANSPORTATION**

The scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto shall be within the sole discretion, control and management of the school board. The school district may, in its discretion, provide room and board, in lieu of transportation, to a student who may be more economically and conveniently provided for by that means.

#### **XI. RESTRICTIONS**

Transportation by the school district is a privilege and not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or violation of any other law governing student conduct on a school bus pursuant to the school district's discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under 20 United States Code, section 1415 (Individuals with Disabilities Act), 29 United States Code, section 794 (the Rehabilitation Act), and 42 United States Code, section 12132, (Americans with Disabilities Act) are governed by these provisions.

#### **XII. FEES**

- A. In its discretion, the school district may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional.
- B. The school district may charge fees for transportation of students to and from school when authorized by law. If the school district charges fees for transportation of students to and from school, guidelines shall be established for that transportation to ensure that no student is denied transportation solely because of inability to pay. The school district also may waive fees for transportation if the student's parent is serving in, or within the past year has served in, active military service as defined in Minnesota Statutes section 190.05.

- C. The school district may charge reasonable fees for transportation of students to and from post-secondary institutions for students enrolled under the post-secondary enrollment options program. Families who qualify for mileage reimbursement may use their state mileage reimbursement to pay this fee.
- D. Where, in its discretion, the school district provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, the school district may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs.

**Legal References:** Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.59 (Bus Transportation a Privilege Not a Right)  
Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 123B.41 (Definitions)  
Minn. Stat. § 123B.44 (Provision of Pupil Support Services)  
Minn. Stat. § 123B.84 (Policy)  
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)  
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.04 (Options for Enrolling in Adjoining States)  
Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)  
Minn. Stat. § 124D.08 (School Board’s Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 125A.02 (Child ~~fee~~ With a Disability, Defined)  
Minn. Stat. § 125A.12 (Attendance in Another District)  
Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)  
Minn. Stat. § 125A.51 (Placement of Children Without Disabilities; Education and Transportation)  
Minn. Stat. § 125A.515 (Placement of Students; Approval of Education Program)  
Minn. Stat. § 125A.65 (Attendance at Academies for the Deaf and Blind)  
Minn. Stat. § 126C.01 (Definitions)  
Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)  
Minn. Stat. § 190.05 (Definitions)  
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)  
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disability)  
20 U.S.C. § 1415 (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 2000d (Prohibition Against Exclusion from Participation in, Denial of Benefits of, and Discrimination under Federally Assisted Programs on Ground of Race, Color, or National Origin)  
42 U.S.C. § 11431, *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)  
42 U.S.C. § 12132, *et seq.* (Americans With Disabilities Act)

**Cross References:** MSBA/MASA Model Policy 708 (Transportation of Nonpublic School Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 710 (Extracurricular Transportation)

Replacing: Policies 3140, 3142, 3145  
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## **515 PROTECTION AND PRIVACY OF PUPIL RECORDS**

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

#### **A. Authorized Representative**

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

#### **B. Biometric Record**

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

#### **C. Dates of Attendance**

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

#### **D. Directory Information**

1. Under federal law, "directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution



attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

- a. a student's social security number;
- b. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
- c. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
- d. personally identifiable data which references religion, race, color, social position, or nationality; or
- e. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

**[NOTE: Under the federal Family Educational Rights and Privacy Act (FERPA), the federal definition of "directory information" identifies the types of information that may be specifically referenced as directory information. The federal definition applies to information requests by military recruiting officers, as set out in Article XI below.]**

- 2. ~~Under Minnesota law prohibits, a schools district may not designate a student's home address, telephone number, email address, or other personal schools from designating student contact information as "directory information" despite the FERPA definition. Duluth Public Schools excludes the following information:~~

**A. Student contact information**

~~Under Minnesota law, a school district may not designate a student's home address, telephone number, email address, or other personal contact information as "directory information."~~

**B. Parent contact information**

~~The 2025 Minnesota legislature enacted the following: A parent's personal contact information must be treated as private data on individuals regardless of whether that contact information was previously designated as or treated as directory information under Minnesota Statutes, section 13.32, subdivision 2.~~

~~In addition, the 2025 Minnesota legislature enacted the following: Data concerning parents is private data on individuals but may be treated as directory information if the same procedures that are used~~

by a school district to designate student data as directory information are followed, except that a parent's home address, telephone number, email address, or other personal contact information may not be treated as directory information.

**~~Minnesota law prohibits schools from designating student contact information as "directory information" despite the FERPA definition. Minnesota schools should comply with Minnesota law and should not include student contact information in their definition of "directory information."~~**

E. Education Records

1. What constitutes "education records." Education records means those records that are: (1) directly related to a student; and (2) maintained by the school district or by a party acting for the school district.
2. What does not constitute education records. The term "education records" does not include:
  - a. Records of instructional personnel that are:
    - (1) kept in the sole possession of the maker of the record;
    - (2) used only as a personal memory aid;
    - (3) not accessible or revealed to any other individual except a temporary substitute teacher; and
    - (4) destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by the school district which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual's capacity as an employee; and
    - (3) are not available for use for any other purpose.

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

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:
  - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
  - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.
- e. Records created or received by the school district after an individual is no longer a student at the school district and that are not directly related to the individual's attendance as a student.
- f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

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

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

G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

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

- 1. Perform an administrative task required in the school or employee's contract or

position description approved by the school board;

2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid; or
4. Perform a task directly related to responding to a request for data.

J. Parent

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

K. Personally Identifiable

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

L. Record

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

M. Responsible Authority

"Responsible authority" means Executive Director of Business Services and Finance Simone Zunich.

N. Student

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

O. School Official

"School official" includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other

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

P. Summary Data

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

Q. Other Terms and Phrases

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

**IV. GENERAL CLASSIFICATION**

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

**V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

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

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

of this policy.

B. Eligible Students

All rights and protections given to parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations section 99.31(a).

C. Students with a Disability

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

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:

- a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
- a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d. specific as to the nature of the information the subject is authorizing to be disclosed;
  - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
  - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
  - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes chapter 256B or Minnesota Care under Minnesota Statutes chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

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

- 1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;

2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code, section 7917, and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

"Financial aid" for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at an educational agency or institution;
6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:



- a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;
  8. To accrediting organizations in order to carry out their accrediting functions;
  9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
  10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the

information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 ~~U.S.C. §~~ United States Code, section 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or

endorsed by the educational agency or institution for students or former students;

18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minnesota Statutes section 260B.171, subdivision 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving

the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

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

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements; or
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or

the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

23. When requested, **and in accordance with requirements for parental consent in 34 Code of Federal Regulations, section 300.622(b)(2), and part 99,** educational agencies or institutions may share personal student contact information and directory information for students served in special education with postsecondary transition planning and services under Minnesota Statutes, section 125A.08, paragraph (b), clause (1), whether public or private, with the Minnesota Department of Employment and Economic Development, as required for coordination of services to students with disabilities under Minnesota Statutes, sections 125A.08, paragraph (b), clause (1); 125A.023; and 125A.027.

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

C. Nonpublic School Students

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

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

## VII. RELEASE OF DIRECTORY INFORMATION

A. Educational Data

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:
  - a. Minnesota Statutes, section 13.32, subdivision 5; and
  - b. 20 United States Code, section 1232g, and 34 Code of Federal Regulations, section 99.37, which were in effect on January 3, 2012.
2. The school district may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under **this Minnesota Statutes, section 13.32.**

3. A parent's personal contact information must be treated as private data on individuals regardless of whether that contact information was previously designated as or treated as directory information under Minnesota Statutes, section 13.32, subdivision 2.

34. When requested, the school district must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

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

C. Present Students and Parents

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

1. When conducting the directory information designation and notice process required by federal law, the school district shall give parents and students notice of the right to refuse to let the district designate specified data about the student as directory information.

2. The school district shall give annual notice by any means that are reasonably likely to inform the parents and eligible students of:

- a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
- b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
- c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.

**[NOTE: Federal law allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the school district chooses to impose these limitations, it is advisable to add a new paragraph VII.C.31-d. that specifies that disclosures of directory information will be limited to specific parties and/or for specific purposes and identify those parties and/or purposes.**

**To the extent a school district adds these restrictions, it must then limit its**

**directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. This is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure, but also the additional administrative requirements such restrictions will place on the school district.]**

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

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

**VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

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

B. Private Records Not Accessible to Parent

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

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

C. Private Records Not Accessible to Student

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

D. Military-Connected Youth Identifier

When a school district updates its enrollment forms in the ordinary course of business,



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

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

### **A. Confidential Records**

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

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

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

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

### **C. Investigative Data**

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

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minnesota Statutes section 13.393.

4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

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

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS**

- A. The school district will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
  1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;

2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
  3. copying fees shall not be imposed.
- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority Executive Director of Business Services and Finance in writing by Oct. 1st each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the

student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

**B. Redisclosure Not Prohibited**

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code, section 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

**C. Classification of Disclosed Data**

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

**D. Notification**

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

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

**A. Responsible Authority**

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

**B. Record Security**

The principal of each school subject to the supervision and control of the responsible

authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

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

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

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

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record, with the education records of the student, that indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and

- c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
- 3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B) or an act of domestic or international terrorism.
- 4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school district.
- 5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
- 6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

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

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

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

otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

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

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

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

D. Form of Request

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

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the school district in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine-based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

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

**A. Request to Amend Education Records**

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

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

**B. Right to a Hearing**

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the



content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

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

C. Conduct of Hearing

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

D. Appeal

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

## **XVI. PROBLEMS ACCESSING DATA**

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

## **XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

### A. Where to File Complaints

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

### B. Content of Complaint

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

## **XVIII. WAIVER**

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

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

### A. Contents of Notice

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;

4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

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

C. Notification to Parents or Eligible Students Who are Disabled

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

**XX. DESTRUCTION AND RETENTION OF RECORDS**

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

**XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the superintendent's office.

**Legal References:**

- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- Minn. Stat. § 13.32, Subd. 5 (Directory Information)
- Minn. Stat. § 13.393 (Attorneys)
- Minn. Stat. Ch. 14 (Administrative Procedures Act)
- Minn. Stat. § 120A.22 (Compulsory Instruction)
- Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
- Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
- Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
- Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
- Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
- Minn. Stat. Ch. 256L (MinnesotaCare)
- Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
- Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
- Minn. Stat. § 363A.42 (Public Records; Accessibility)
- Minn. Stat. § 480.40 (Personal Information, Dissemination)
- Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
 10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
 18 U.S.C. § 2331 (Definitions)  
 18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
 20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)  
 20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
 20 U.S.C. § 7917 (Transfer of School Disciplinary Records)  
 25 U.S.C. § 5304 (Definitions – Tribal Organization)  
 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
 42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)  
 42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)  
 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
 42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273 309 (2002)  
 Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

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

Replacing:	Policy 5060
First Reading:	05.16.2023
Second Reading:	06.20.2023
Adopted:	06.20.2023
Revised:	02.25.2025

## **4160429 EMPLOYEE RECOGNITION AND/OR MEMORIALS**

### **I. PURPOSE**

The purpose of this policy is to establish appropriate and acceptable guidelines for families, friends and/or community members who wish to establish a memorial or recognition for living or deceased employees.

### **II. EMPLOYEE RECOGNITION AND/OR MEMORIAL GUIDELINES**

Families, ~~or~~ friends and/or community members wishing to establish a memorial for living or deceased employees are encouraged to consider the following as appropriate and acceptable memorials:

1. Scholarship fund in name of living or deceased employee. Donor should make gift in accordance with scholarship guidelines established for that particular fund.
2. Recognition plaque and/or portrait to be displayed for a predetermined period in the location/building where long term service was provided.
3. Presentation of funds for the purchase of equipment or furnishings to the school with appropriate accompanying and identifying plaque.

Proposals for memorials not in the above three categories shall be referred to the School Board for acceptance or rejection.

Adopted: 02-12-1980 ISD 709

Revised: 06-20-1995 ISD 709

Revised:

## 524.1R ARTIFICIAL INTELLIGENCE (AI) TOOL USE FOR STAFF

### INTRODUCTION

Artificial intelligence (AI) presents significant opportunities to enhance K-12 education by providing innovative tools for educators ~~staff and students~~. To ensure the ethical, secure, and effective use of AI within Duluth Public Schools, this regulation outlines guidelines for district staff ~~and students~~.

### APPROVED AI TOOLS

Google Gemini is the ~~sole primary~~ AI tool ~~currently~~ authorized for educational use within Duluth Public Schools. This tool has undergone rigorous evaluation to confirm its alignment with district standards for educational value, privacy compliance, and security. ~~Students may have access to additional tools and resources with AI-embedded functionality. The district reserves the right to restrict access to specific AI tools.~~

~~Staff may use AI tools other than Google Gemini for productivity and educational purposes. The district reserves the right to restrict specific tools.~~

### ETHICAL USE OF AI

AI tools must be employed ~~ethically and in adherence to the district's acceptable use policy~~, ~~exclusively for district purpose and in strict adherence to district objectives~~.

- ~~**Human Judgment:** Human oversight is indispensable in all AI-driven processes. AI cannot supplant professional judgment in decision-making.~~
- ~~**Original Work:** AI-generated content should not replace original staff work. Any use of AI in creating educational materials or research must be explicitly disclosed.~~
- ~~**Bias Mitigation:** Staff and students must be cognizant of potential biases inherent in AI tools and exercise critical judgment when interpreting and presenting AI-generated information or content.~~
- ~~**Intellectual Property:** Staff are obligated to respect copyright laws and intellectual property rights when utilizing AI tools.~~
- ~~**Student Privacy:** Stringent safeguards must be implemented to protect student privacy when employing AI tools.~~

### DATA SECURITY

All ~~staff members~~ ~~and students~~ must adhere to state, federal, and district regulations governing data privacy and security.

- ~~**Data Protection:** The sharing of student and staff personal data with AI tools is strictly prohibited.~~
- ~~**Identifiable Information:** Disclosure of any identifiable information, including individuals, locations, or sites, to AI tools is forbidden.~~

### STAFF TRAINING AND SUPPORT

The district will provide training to equip staff ~~and students~~ with the knowledge and skills necessary for the ethical and responsible use of AI tools. ~~Staff This training must be taken are encouraged to complete this training prior to AI tool access use. Students will learn about responsible use of technology, including AI, through classroom lessons.~~

Staff and students are encouraged to seek guidance from the Digital Innovation Specialist regarding AI-related questions or concerns.

### **CONSEQUENCES OF NON-COMPLIANCE**

Misuse of AI tools, including breaches of data privacy or ethical guidelines, may result in the revocation or restriction of AI tools and/or technology access. The district may also pursue other applicable disciplinary processes in place for students (see student handbook) and staff.

### **REGULATION REVIEW AND UPDATES**

This regulation will undergo periodic review to incorporate advancements in AI technology and emerging best practices.

By adhering to this regulation, Duluth Public Schools aims to harness the potential of AI while safeguarding student and staff privacy, maintaining ethical standards, and optimizing the learning experience.

### **NOTE**

~~This regulation was drafted with the support of Google Gemini, a large language model, which provided information and suggestions based on a comprehensive analysis of relevant legal and educational frameworks. The final document represents the collaborative efforts of the Educational Technology and Innovation Coordinator, the Technology Team and AI technology.~~

The initial 2024 draft of this regulation was generated with assistance from Google Gemini.

Adopted: 08.15.2024

## **5015 AGES OF COMPULSORY ATTENDANCE**

Every young person between seven and sixteen years of age shall attend a public school or a private school in each year during the entire time the public schools of the district are in session, unless excused from attendance by the School Board upon application from a parent for reason specified in State law. Compulsory attendance is required through grade 10 or up to age 16.

Reference: MN Statutes 120A.22

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709



## **5020 RE-ADMISSION OF STUDENTS FROM CORRECTIONAL INSTITUTIONS**

Youths released from state correctional institutions may be enrolled in the Duluth Public Schools after the completion of a planning conference between the parole agent and the school principal of the receiving school or his/her representative. Proper enrollment planning will increase the youth's opportunity for success in the public school. A student from a correctional institution shall remain out of school until the enrollment procedure is complete.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

## 5022 POLICY ON STAFF NOTIFICATION OF VIOLENT STUDENTS

### I. PURPOSE

This policy addresses staff notification of violent behavior by students. The purpose of this policy is to address the circumstances in which data should be provided to classroom teachers and other school staff members about students with a history of violent behavior in order to serve the student and protect students and staff members. The policy incorporates a written notice to assure that appropriate data are made available to school staff members and to guarantee an accurate record of the data provided.

Development of this policy was required by the 2003 Legislature (See 2003 Session Laws, Special Session Chapter 9, Article 2, §53) and helps districts comply with Minn. Stat. §§121A.64 and 121A.75.

Both state and federal law, Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. §1232G (Family Educational Rights and Privacy Act or FERPA) govern student data. More detailed information on school district practice and policy regarding student records and data can be found in the school district's Data Practices Policy (Protection and Privacy of Pupil Records Policy) and approved Records Retention Schedule.

### II. DEFINITIONS

For purposes of this Policy on Staff Notification of Violent Behavior by Students (Policy) and the model notification form, terms have the meaning given them.

A. **Administration-** Administration means the person or persons responsible for performing the school district's obligations under this Policy and who shall be the Superintendent or other designee.

B. **Classroom Teacher-** Classroom Teacher means the instructional personnel responsible for the course or room to which a student is assigned.

C. **History of Violent Behavior-**

1. A student will be considered to have a history of violent behavior if incident (s) of violence have occurred as follows:

a. Violent behavior that occurs during a given school year will be considered to give rise to notice requirements under this Policy for that school year and the following school year.

b. If a student has an incident of violence within these time frames, that incident and all other related or similar incidents of violence will be reported.

D. **Incident (s) of Violence-** Incident (s) of violence means a pattern of willful conduct in which a student has caused physical injury to person (s) as set fourth in the school district's Student Policy Handbook under Violations Against Persons in paragraphs A through F, or significant damage to property, regardless of whether related to a student's disability. This does not include injury or damage which is accidental or the result of negligence. An incident of violence includes an incident described in notices received from either law enforcement or the juvenile courts.

E. **Legitimate Educational Interest-** For purposes of federal and state law, a school staff member is determined to have a legitimate educational interest in data related to a history of violent behavior if the data requested are:

1. Necessary for that school staff member to perform appropriate tasks specified in his or her position description or by a contract agreement;
2. Used solely within the context of school business and not for purposes extraneous to either the school or the school staff member's areas of responsibility;
3. Relevant to the accomplishment of a job-related task or to a determination about the student; and
4. Consistent with the purposes for which the data are maintained.

F. **School Staff Member - School Staff Member includes:**

1. A person licensed by the State and appointed by the school board to an administrative, supervisory, instructional or other professional position such as a principal, teacher, counselor, or school psychologist;
2. A person employed by or under contract to the school board to perform a special task such as paraprofessional, school bus driver, secretary, clerk, occupational therapist, or the school board attorney for the period of his or her performance as an employee or contractor; and
3. A substitute for persons listed above for the period of his or her performance as substitute.

### III. **STAFF NOTIFICATION**

A. **Determination of Who Receives Notice-** Determination of which school staff members have a legitimate educational interest will be made by (1) the school district's Responsible Authority appointed by the school board under the Minnesota Government Data Practices Act or (2) the administration. In the event the administration makes this determination, the Responsible Authority will provide guidance to the administrator (s) who determines what data will be shared. A school staff member who receives notice under this policy may provide notice to someone substituting for him or her for another staff member who has received notice.

B. **Recipients of Notice-** Each classroom teacher of a student with a history of violent behavior (see Section II. C., above), will receive notification from the administration prior to placement of the student in the teacher's classroom. In addition, notice will be given by the administration to other school staff members who have a legitimate educational interest in the data, as defined in this policy.

C. **Record of Notice-** The administration must keep a written copy of the notice or other documentation to provide a record of those school staff members notified under this section. The district's Records Retention Schedule governs retention of the written notice.

D. **Law Enforcement Reports-** The administration must immediately forward to appropriate school staff members those notices related to an incident of violent behavior received from law enforcement pursuant to Minn. Stat. §121A.75. The law enforcement notice must be followed by the notice set forth above within a reasonable time, not to exceed ten business days. All other notices received from law enforcement pursuant to Minn. Stat. §121A.75 must be disseminated as required by that section. Retention of the law enforcement notice is governed by Minn. Stat. §121A.75, subd. 2(e).

**IV. NOTICE TO OTHER SCHOOL DISTRICTS-** When transferring records of a student with a history of violent behavior, administration must send to an enrolling school district, charter school or alternative education program all student records, including all data about the student's history of violent behavior, consistent with this Policy. Transferring the records is not a violation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g or the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, provided the annual FERPA parental notice requirements are met. These written records within the student's file are educational records and are to be transmitted to an enrolling school district, as set forth in Minn. Stat. § 120A.22, sub. 7.

**V. PARENTAL NOTICE**

The administration will notify parents that is gives classroom teachers and other school staff members notice about students' history of violent behavior. This will be included as part of the Annual Notice of Rights required by FERPA and shall be provided to a parent/guardian at that time a Notice about the student's violent behavior under this Policy is first provided or if it is changed. In addition, the administration will notify parents that this Notice is an educational record and will be transferred to an enrolling school district.

**VI. TRAINING NEEDS**

Pursuant to Minn. Stat. § 121A.64, representatives of the school board and representative of the teachers will discuss the needs of students and staff. The parties may discuss necessary training that may include training on conflict resolution and positive behavior interventions and may discuss necessary intervention services such as student behavioral assessments.

**Legal References:**

- Minn. Stat. § 120A.22, subd. 7 (Educational Records)
- Minn. Stat. § 121A.64 (Notification of Students with Violent Behavior)
- Minn. Stat. § 121A.75 (Law Enforcement Notice to Schools)
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
- 34 C.F.R. §§ 99.1-99.67 (Rules implementing FERPA)
- Minn. Stat. § 13.04, subd.4 (Process for challenging data under state law)
- 34 C.F.R. §§99.20-99.22 (Process for challenging data under federal law)

Adopted 06-15-2004 ISD 709

**NOTICE**

NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

Date:

To:

From:

This notice is to inform you that the following student has a history of violent behavior. The notice is intended to assist you in helping the student to be successful and ensuring the safety of students and staff.

**You can use what you have learned about the student's history of violent behavior only to the extent allowed by school district policy. The data on this form are private data under state and federal law; the student's privacy rights must be protected.**

Student's Name: \_\_\_\_\_

**INCIDENT (S) OF VIOLENCE:**

- 1.
- 2.
- 3.
- 4.
- 5.

TYPES OF SITUATIONS THAT MIGHT TRIGGER VIOLENT BEHAVIOR, IF KNOWN:  
STRATEGIES OR INTERVENTIONS THAT HELP WITH THIS STUDENT, IF KNOWN:  
THE FOLLOWING DOCUMENTS MAY BE AVAILABLE FOR YOU TO REVIEW  
REGARDING THIS STUDENT:

- \_\_\_\_\_ IEP
- \_\_\_\_\_ Functional Behavioral Assessment
- \_\_\_\_\_ 504 Plan
- \_\_\_\_\_ Reports or statements by school staff
- \_\_\_\_\_ Information provided by the parent or guardian

ADDITIONAL INFORMATION MAY BE AVAILABLE BASED ON YOUR LEGITIMATE  
EDUCATIONAL INTERESTS

## **5030 STUDENT ATTENDANCE ACCOUNTING**

The Director of Business and Finance will direct the electronic collection of student attendance accounting information from all schools within the School District. The School District shall maintain student attendance records for all grades, preschool through secondary grades for purposes of reporting to the State Department of Education for apportionment of aid and for collection of tuition.

Adopted: 06-09-1970 ISD 709

Revised: 09-08-1981

06-20-1995

06-21-2005 ISD 709

## **5040 TRANSFERS WITHIN THE SCHOOL DISTRICT**

The intent of the transfer policy is to minimize disruption of the education process for the student by maintaining continuous attendance in a school setting with his/her peers. The School District is committed to providing students with appropriate learning options that enable them to establish and maintain a successful educational plan.

### Approval of Transfer Requests

The Assistant Superintendent will allow or deny a transfer request after careful consideration of the application information. Guided by School Board Policy, District regulations, teacher/student ratio, class size, classroom space and building populations, the Assistant Superintendent will make the final ruling on a transfer request. Transfers not approved by the Assistant Superintendent may be appealed to the transfer appeal board.

Each school year requires extensive advance planning relative to projected enrollments, curriculum offerings, and staffing for each building. Approval of transfers from one building to another will be limited to reasonable requests following designated timelines.

The transfer of a student from one school attendance area to another within the School District may be initiated by the student (18 years of age), by either a parent or guardian, by a School's Supportive Services Team (SST), by the Special Education Child Study Team (CST), or by the principal.

### Continuation of Approved Education Transfer

The student may complete all grades contained in the school to which he/she has transferred. To continue attendance from an elementary to a middle school or from a middle school to a high school, completion of a new transfer request will need to be submitted to the Office of the Assistant Superintendent by the due date.

### Timelines for Transfer Requests

Student transfer approvals will be implemented either at the beginning of a school year or at the beginning of a school year's second semester. Administration may determine exceptions to these timelines. Transfer requests for the upcoming school year must be submitted prior to April 30<sup>th</sup>. Second semester transfer requests must be submitted by December 1<sup>st</sup>. Administration may determine exceptions to these timelines.

Adopted: 09-08-1981 ISD 709

Revised: 02-21-1995

06-20-1995

03-19-2005

05-17-2005

02-12-2008

12-16-2014 ISD 709

## 5040R STUDENT TRANSFERS

### Process and Procedure

#### 1. Initiation and Decision-Making on Transfer Requests

Parents or guardians desiring to transfer their child from their home residential attendance area to another attendance area in the School District must complete a Request for Student Transfer form and submit it to the Assistant Superintendent.

#### 2. Transfer Guidelines and Consideration

The Assistant Superintendent will take into consideration teacher/student ratio, class size, and classroom space when making transfer decisions. For the purpose of transfer consideration, the following class size guideline will be used when determining transfer requests:

Kindergarten: (24)  
Kindergarten Immersion (24)  
Grade 1 (26)  
Grade 1-2 (26)  
Grade 2 (26)  
Grade 2-3 (26)  
Grade 3 (28)  
Grade 3-4 (28)  
Grade 4 (28)  
Grade 4-5 (28)  
Grade 5 (28)

Middle and High School: Teacher/Student ratios, class size, and classroom space will also be considered when making transfer decisions for middle and high school students.

#### 3. Transfer Appeal Board

The Assistant Superintendent will convene the Transfer Appeal Board upon the request of the applicant for applications submitted by the due dates stated in the Timelines for Transfer Request. Requests submitted after the due date will not be considered until the following semester. The Transfer Appeal Board will be made up of one school board member, a district administrator other than the Assistant Superintendent, and two community members, keeping in mind the need to maintain a balance of representation across the district. Unique circumstances may require exceptions to these timelines.

The priority of teacher/student ratio, class size and classroom space are of utmost importance and the Transfer Appeal Board will work to uphold these standards. The principal will be consulted by the Transfer Appeal Board to best understand the details of these circumstances before an approval. Criteria that may be considered include previous attended school, staff request, sibling attendance and student eligible for federal lunch subsidy.

#### 4. Moving to a New Attendance Area

Parents and guardians who move from one attendance area to another within the School District are requested to notify the principals involved two (2) weeks prior to the actual move. The former school is responsible for forwarding all appropriate records.

When a student begins an educational program in a school and his/her parent(s) or



guardian(s) move to another attendance area, the student may continue to attend the school in which he/she began. It is the responsibility of the parent to transport the student to and from the requested school or to and from the established bus stop serving the requested school. Only homeless students\* will receive School District transportation to the school outside of their attendance area.

5. Eligibility for Co-curricular Activities Competition

Athletic ability and the preference to participate on another school's athletic team will not be considered as a valid reason for requesting a transfer of schools. To be eligible to represent a school as a member of an athletic or academic team, a student must reside with his/her parent(s) or legal guardian(s) within the boundaries of the attendance area of that school or be attending that school with a valid transfer. All participation must be consistent with MSHSL rules.

The Term "Homeless Children and Youth"

Means individuals who lack a fixed, regular, and adequate nighttime residence; and includes – children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency shelters; are abandoned in hospitals; or are awaiting foster care placement.

Adopted: 09-08-1981 ISD 709

Revised: 02-21-1995

06-20-1995

03-19-2002

11-19-2002

05-18-2004

04-19-2005

01-15-2008

03-17-2009

04-23-2009

05-19-2009

07-21-2010

07-09-2013

11-18-2014 ISD 709

## **5042 OPEN ENROLLMENT**

The standards used for the acceptance or rejection of an application for open enrollment is the capacity of a program, class or school building.

Applications for open enrollment may not be rejected in a particular grade level if the non-resident enrollment at that grade level does not exceed one percent of the total enrollment at that grade level.

References: MSA 120.062  
Resolution G1197189

Adopted: 04-21-1998 ISD 709

## **5065 AWARDS FOR ACHIEVEMENT**

Each school may develop its own awards and recognition system. The professional staff will maintain a set of criteria and procedures for presenting awards to students for various areas of achievement.

The professional staff is authorized to review and approve, or reject, proposed trophies, prizes, scholarships, or other awards from non-school donors. Acceptance will require affirmative answers to at least the following questions:

1. Can the proposed award be considered free from motives of personal or corporate gain and publicity?
2. Are the criteria for making the award under the control of the professional staff or acceptable to the staff?
3. Are the purposes, either implied or explicit, of the proposed award consistent with our schools' goals?
4. Where applicable, do the awards meet the requirements of the Minnesota State High School League and/or requirements set forth by clubs governed by independent provider agreements?

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995

06-21-2005 ISD 709

## **5070 GRADUATIONS, DIPLOMAS, AND CERTIFICATES**

Each senior high school shall arrange graduation exercises within limits prescribed by the School Board. The School Board shall authorize funds for building rental, speaker, musical entertainment, flowers, and other decorations it deems necessary for graduation exercises. If students are required to wear caps and gowns at graduation exercises, the School District shall budget monies to provide for caps and gowns. If the School District or the high schools do not provide caps and gowns at no expense to students, such attire shall not be required for graduation exercises. The senior class may decide that they will raise funds for this purpose. Such funds must provide all graduating seniors with the items the class decides to rent.

Students who have completed requirements for a diploma shall participate in graduation exercises, but participation is not a requirement for graduation. If a student with a disability satisfactorily meets the requirements for graduation that were established by the IEP team, the student must be granted a high school diploma that is identical to the diploma granted to a student without a disability who graduates. (Minn. Stat § 125A.04). A student with a disability who is not graduating may nonetheless participate in the graduation ceremony and receive certification of attendance if the student has met the credit requirements for graduation but has not met the goals in the IEP required for graduation. There shall be no formal graduation exercises for elementary and middle schools.

A diploma or secondary school equivalency certificate shall be issued to a student who has satisfactorily completed curriculum requirements prescribed by the Minnesota State Board of Education and local School Board policy. Two kinds of certificates shall be issued:

1. The high school diploma issuance shall be based upon completion of State Board of Education requirements.
2. The secondary school equivalency certificate shall be based upon obtaining satisfactory scores on the General Education Development Tests and the meeting of other State requirements.

### **Minnesota World Language Proficiency Certificate, Bilingual Seal, and Multilingual Seal**

Duluth Public Schools may award Minnesota bilingual and multilingual seals to high school graduates who demonstrate the required levels of language proficiency in speaking, writing, reading and listening for languages other than English, including American Sign Language (ASL) and American Indian (indigenous) languages in grades 10, 11, 12 regardless of how the language was learned. Bilingual and multilingual seals are awarded upon graduation. World language proficiency certificates can be awarded when students meet proficiency requirements. Proficiency assessments must be based on the ACTFL proficiency guidelines in one or more languages in addition to English. A list of assessments can be found on the Minnesota Department of Education (MDE) World Language web page. (<http://education.state.mn.us/MDE/dse/stds/world/>)

Foreign students attending a senior high school as part of a recognized student exchange program, will be issued a certificate of attendance for the academic year, grade level and school attended. If the student is considered to be a senior, the certificate of attendance will be issued in lieu of a diploma.

References: MSA 120.72  
EDU 43, Rules of the State Sch Bd  
Statute 120B.022

Adopted: 06-09-1970 ISD 709  
Revised: 09-14-1982  
06-20-1995  
09-17-1996  
08-21-2007  
**3-17-2020 ISD 709**

## **5075 AREA LEARNING CENTER**

### Area Learning Center Designation

In 1989, the Duluth Public Schools applied for and received State of Minnesota designation as an Area Learning Center provided for in M.S. 129B.52-129B.55. The Duluth ALC also has state approval to offer an Independent Study program for students ages 16 and older and Targeted Services programs for students in middle and elementary schools.

### Description

Area Learning Centers are designed to meet the needs of learners five years through twenty who have fallen behind in satisfactorily completing coursework and for those whose experience in traditional schools is not or has not been successful or who desire to attend a program which better addresses their individual needs. Area Learning Centers may also assist students who are enrolled in a regular school. They are open year-round and during the day and evening to accommodate those who need flexible hours. The purpose of ALCs is to provide a full range of services that will lead to satisfactory completion of high school.

### Programs and Services

Individualized programs are developed to fit a student's specific needs, and may include:

- academic and learning classes taught using alternative methods,
- applied learning opportunities,
- trade and vocational skills,
- work experience, and work-based learning opportunities,
- youth service to the community,
- transition services,
- PSEO program for students who meet the enrollment criteria.

In addition, the ALC will coordinate with the district's regular and special education services and with community program to offer increased opportunities to learners.

### Eligibility (State Graduation Incentives Criteria)

- at least two grade levels below the performance level for students of the same age in a locally determined achievement test, or
- at least one year behind in satisfactorily completing course work or obtaining credits for graduation, or
- are pregnant or a parent, or
- have been assessed as chemically dependent, or
- have been physically or sexually abused, or
- have experienced mental health problems, or
- -have experienced homelessness anytime within the past six months.
- have limited English proficiency or speak English as a Second Language, or
- have been chronically truant or have withdrawn from school; or
- have been referred by your school district.

An individual who has obtained a General Educational Development (GED) certificate is eligible to enroll in a diploma program.

### Stipulations--ISD 709 Area Learning Center

1. 1. The ALC offeres several enrollment options based on the age and grade level of

the student.

High School students ages 16-20 may be served as an Area Learning Center Student, a Concurrently Enrolled Student, or a Dually Enrolled Student through the ALC Independent Study Program.

High School students under the age of 16 may be served as Concurrently Enrolled (FOCUS) and/or Dually Enrolled (attendance-based classes).

Middle School students may be served as either Concurrently Enrolled (FOCUS) and/or Dually Enrolled through Targeted Services (EXCEL).

Elementary School students may be served as Dually Enrolled Students through Targeted Services (EXCEL).

- a. Area Learning Center Student: This learner (age 16-20) is enrolled only in the ALC. In order to enroll, he/she must meet the state Graduation Criteria for eligibility. A student who has been in a home high school during the current school year must bring a referral from the high school with a copy of his/her transcript. Any student who has an active Individual Education Plan (IEP) will be referred to the ALC only after a Special Services team meeting which includes consultation with an ALC staff member to determine a change in placement.
  - b. Concurrently Enrolled Student: This learner continues to study part-time at the home school and enters an ALC program part-time during the school day. The ALC program may be offered at the main ALC site or may be a special program designed to meet the needs of a group of students at the high school and middle school and offered on the school site (e.g. Habitat, FOCUS). Students must have a referral signed by the school administrator or counselor and the IEP case manager when applicable as well as by the parent/guardian.
  - c. Dually Enrolled Student: The dually enrolled high school student continues to study at home high school full-time while attending the ALC to make up credits needed to graduate on time. This student must have a referral from the home high school principal or counselor and the IEP case manager when applicable. The referral must indicate which credits are to be earned at the ALC. These students may attend summer or school-year programs as needed. Dually enrolled middle and elementary school students attend Targeted Services Programs (EXCEL) at their school site beyond the regular school day and year. Students must have a referral signed by a school administrator or counselor and the IEP case manager when applicable as well as by the parent/guardian. To participate in the summer programs, Targeted Services students must also attend during the school year.
2. When a learner enrolls to attend only the Area Learning Center, the ALC requires a copy of his/her transcript and immunization record. All other records will remain at the home school. If a learner completes all requirements for graduation at the ALC and requests an ALC diploma, the ALC will request the student's cumulative record. If the student requests a home high school diploma, the ALC will forward a record of all credits earned to the home high school and the student's cumulative record will remain there.
  3. Students expelled under the Pupil Fair Dismissal Act of 1974 are not eligible to attend the ALC until the beginning of the next semester following the expulsion.
  4. When a student elects to attend only the Area Learning Center, he or she retains the right to re-enroll in the home high school the following semester.
  5. In the case that a dually enrolled student stops attending the home high school and

is still attending the ALC, the home high school will notify the ALC. If the student meets state eligibility criteria and chooses to continue attending the ALC, the high school will provide a new referral for enrollment as an ALC-only Student and a copy of the student's complete transcript and current report card.

6. The advisor at the Area Learning Center will write an individualized Continual Learning Plan with each student who is enrolled only at the ALC. This plan will be written with input from the student and parent and will take into account any information provided by the home school and will be updated at least twice a year. Dually and Concurrently enrolled students will have a continual learning plan for the classes for which they are enrolled at the ALC; their overall graduation plan will remain the responsibility of the home school. For students in middle and elementary school programs, the learning plan will also indicate other school services provided to enhance their school success.
7. The Area Learning Center shall have access to the district's regular education programs, technology facilities, and staff. This includes the opportunity to refer ALC students to other high schools for classes not available at the ALC.
8. All ALC students are expected to make continuous progress on their learning plans. If they fail to attend regularly or to complete their studies, they will either (a) negotiate a revised learning plan; or (b) be dropped from the ALC. ALC students who are dropped can apply for readmittance after a 30-day waiting period and may then renegotiate their learning plan. Dually enrolled students will need a new referral from the home high school to finish a class at the ALC if they have been dropped. Middle school students may be referred to other services within their school if the ALC program is not an appropriate match for their needs.
9. The ALC will report all credits earned by dually enrolled students within two week after the credit is complete. No grade or credit report will be provided for students who have not completed a course at the ALC. Every semester the ALC will provide each home high school with a list of their students who are studying at the ALC.
10. Dually enrolled ALC students will continue to be counted in their home high school for attendance. The ALC will claim all hours beyond the regular school day that are allowed by state law. Concurrently enrolled students will be counted for that class by that school for purposes of staffing and supplies.
11. The graduation requirements for the Area Learning Center are the same as the requirements set by the School Board for all ISD 709 graduates. Students over the age of 19 or whose class has graduated are eligible to apply for "Competency-Based Credits for Experiential Learning" following the procedures and guidelines approved by the School Board in February 1994.
12. Duluth residents who enroll in the ALC may choose to receive a diploma from their home high school or from the ALC. To participate in a home high school commencement program, the student's Learning Plan must include home school attendance for at least three (3) credits during the senior year.
13. Non-Duluth residents may choose to receive a diploma from their community of residence or from I.S.D. 709 ALC. They must meet the graduation requirements for the diploma they choose. An ALC student who cannot identify a Minnesota high school as a home school will receive an ALC diploma.

Adopted: 04-17-1990 ISD 709

Revised: 06-20-1995



01-18-2005 ISD 709

## **5080 STUDENT EXPRESSION OF OPINION**

Students, as any other citizens, have the right to express their opinion. Historically, the school has been a place for the exchange of ideas and the dissemination of information; consequently, the schools should provide all possible opportunities for students to discuss issues and to express their opinions on school policies, programs of studies, and areas of public concern. Such discussions should be carried on in an atmosphere of mutual respect with all points of view having equal opportunity to be presented.

Although students have the right to express opinions, to make suggestions to school administrators and faculty, and to be heard in the setting up of rules of conduct, until changes are made, they must follow the established rules and policies of the school. Any outside person who interferes with the normal functioning of the school or who engages in any unauthorized activity on school property shall be asked to leave, and if he refuses to do so, the school administrator or teacher in charge shall request his removal by law enforcement officers.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

## **5090 USE OF CELL PHONES, DIGITAL IMAGING DEVICES, AND OTHER PERSONAL ELECTRONIC DEVICES**

### **Purpose**

The purpose of this policy is to set forth expectations for appropriate use of existing and emerging technologies which students may possess, including but not limited to cell phones, digital picture/video cameras and or camera phones, personal digital assistants, iPods, MP3s, pagers and other personal electronic devices.

### **General Statement of Policy**

The Duluth Public Schools holds high expectations for student behavior, academic integrity and responsible use of existing and emerging technologies. Students who possess devices at school or school sponsored events shall demonstrate the greatest respect for the educational environment and the rights and privacy of all individuals within the school community.

### **Standards for Responsible Use at School, on Buses, or at School Activities**

- A. Respect for the educational environment
  - 1. Students shall not use any electronic device that in any way disrupts or detracts from the educational environment.
  - 2. Cellular phones or other personal electronic devices should be silent and kept out of sight in classrooms and during the school day in Media Centers, testing centers, and during fine arts performances.
  - 3. Students will not be allowed to leave class in response to electronic devices.
  - 4. In secondary schools only, cellular phones and other devices may be used appropriately and respectfully before and after classes and during lunch, in common areas-such as near lockers or the cafeteria-or outside on school grounds.
  - 5. Teachers may permit the purposeful use of personal electronic devices in support of curricular objectives and student supports.
  
- B. Respect for Privacy Rights
  - 1. Students shall not photograph or videotape other individuals at school or at school activities without their knowledge and consent, except for activities considered to be in the public arena such as sporting events or public performances.
  - 2. Students shall not e-mail, post to the internet, or otherwise electronically transmit images of other individuals taken at school without their expressed written consent.
  - 3. State law strictly prohibits the use of cellular phones or other personal electronic devices in locker rooms and restrooms.
  
- C. Ensuring Academic Integrity
  - Students shall not use cellular phones or other electronic devices in any way that may cause a teacher or staff member to question whether the student may be cheating on tests or academic work or violating copyright policy.
  
- D. Compliance with Other District Policies
  - Use of cellular phones or other personal electronic devices must not violate any other District Policy including those regarding student privacy, copyright, cheating, plagiarism, civility, student behavior, or harassment. If a violation occurs involving more than one district policy, consequences for each may apply.

### **Violations of this Policy**

- A. Inappropriate use of cellular phone or other electronic device  
An employee shall direct the student to turn off the device and to store it appropriately.
- B. Repeated infractions  
Repeated infractions will be considered disruptive, disorderly, or insubordinate behaviors. Consequences of inappropriate use of cellular phones or other electronic devices that are in violation of other district policies can be referenced in the student discipline policy.
- C. Severe or illegal infractions shall result in student referral to the office.  
Administration may confiscate the device, notify parents and/or police when appropriate. If cellular phones or other electronic devices are suspected to be used in the violation of other district policies or used in the process of illegal activity, the contents may be considered evidence and reviewed by school administration. Confiscated devices will be returned to a parent/guardian after the school day unless legal implications require otherwise.

Adopted: 07-19-2011 ISD 709

Revised: 07-21-2015 ISD 709

## **5095 STUDENT DRIVING AND PARKING VEHICLES AT SCHOOL**

Students shall be permitted to use properly registered automobiles, scooters, and motorcycles as a form of transportation to and from school. Students must be properly licensed for these motorized vehicles. Non-motorized forms of transportation including bicycles and skateboards are allowed as long as they are used responsibly. The Principal of each school is given the authority and responsibility to regulate and control all forms of transportation to and from school and during the school day so that they are used in a responsible and safe manner.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995

11-18-2008 ISD 709

## **5105 STUDENT-GENERATED SCHOOL FUNDS**

The accounting system for managing student funds shall be designed to yield the largest possible educational return to pupils without sacrificing the safety of funds or exposing pupils to undue responsibility or unnecessary accounting procedures. The principal has the responsibility for making rules, regulations, and procedures for the conduct, operation, and maintenance of extra-curricular accounts. The Director of Business and Finance is charged with the responsibility of the safeguarding, accounting, and auditing of all extra-curricular monies.

All student groups which handle money shall deposit it in the school's Student Activity Fund. All school funds are under the general supervision of the principal and shall be audited at least bi-annually. School funds are not to be used for personal gain either directly or indirectly by teachers, administrators, or students.

References: MSA 123.38

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

## **5110 MARRIED STUDENTS / PREGNANT STUDENTS**

Married students, male and female, and married and unmarried pregnant females shall be entitled to the same educational opportunities as other students. Pregnant females may elect to enroll in a special program for expectant mothers as available.

Adopted: 06-09-1970 ISD 709

Revised: 11-14-1972

06-20-1995 ISD 709

## **5120 EMERGENCY PROCEDURES FOR BODILY INJURIES**

The School Board shall provide a safe learning environment for all students. A safety education program shall be implemented with special focus on laboratory courses in science, homemaking, industrial education, and physical education classes. All accidents or injuries related to accidents shall be reported immediately to the principal. A written report on the School District form entitled Student Accident/Injury Report shall be submitted (on the date of the occurrence) to the Physical Plant Office. The parent/guardian shall furnish, at the time of student enrollment, emergency information as requested on the Enrollment Card. School principals are responsible for implementing the following procedures when dealing with accidents or severe illness of students:

1. The parent will be contacted at home or work.
2. When this is not possible:
  - a . An ambulance or police car may be called.
  - b. The school may contact the family physician.
  - c. A neighbor or relative, designated by the parent, may be contacted to care for the child until the parents can be reached.
  - d. A cab may be called to take the child home at the parents' expense.
  - e. The police or ambulance may be asked to take the child to a hospital emergency service if no other arrangements can be made.

Adopted: 06-09-1970 ISD 709

Revised: 11-09-1982

06-20-1995 ISD 709



## **5125 REPORTING SUSPECTED SEXUAL ABUSE, PHYSICAL ABUSE, AND NEGLECT - REPORTING DEPRIVATION OF PARENTAL RIGHTS**

In order to provide a sound learning environment and to protect students, the School Board declares that it is the policy of the School District to require all employees and volunteers to report to St. Louis County Social Services, Duluth Police Department, or the St. Louis County Sheriff's Department the abuse or neglect of minor students or vulnerable adults who are students. Also, any School District employee or volunteer who knows, or has reason to know, of a violation of state statutes prohibiting the deprivation of parental rights shall make a report to the Duluth Police Department or the St. Louis County Sheriff's Department.

References: MSA 260.015  
MSA 609.321  
MSA 609.324  
MSA 609.341-609.345  
MSA 617.246  
MSA 626.556

Adopted: 12-09-1975 ISD 709  
Revised: 08-10-1982  
01-10-1984  
12-10-1985  
09-12-1989  
12-07-1992  
01-18-1994  
06-20-1995 ISD 709

## **5125R REPORTING SUSPECTED SEXUAL ABUSE, PHYSICAL ABUSE, AND NEGLECT - REPORTING DEPRIVATION OF PARENTAL RIGHTS**

### Who Must Report and When to Report

Any School District employee or volunteer who knows or has reason to believe that:

1. a minor student is being abused or neglected or has been abused or neglected at anytime in the previous three years,
2. a woman who is pregnant has used a controlled substance for a non-medical purpose during pregnancy,
3. a vulnerable adult is being or has been abused or neglected shall immediately report to St. Louis County Social Services, Duluth Police Department, or St. Louis County Sheriff's Department.

Any School District employee or volunteer who knows or has reason to believe that a parent is being deprived of their parental right to custody or visitation of a minor shall immediately report to the Duluth Police Department or the St. Louis County Sheriff's Department.

The procedures outlined herein relate primarily to reporting the maltreatment of minors. If an employee knows or has reason to believe that a student who is a vulnerable adult has been abused or neglected, they should contact the Adult Services Unit of St. Louis County Social Services Department to receive instruction for reporting.

### How and Where to Report

An oral report shall be made immediately (as soon as possible but no longer than 24 hours) to the Initial Intervention Unit of St. Louis County Social Services, the Duluth Police Department, or the St. Louis County Sheriff's Department.

An oral report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, or St. Louis County Social Services. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect if the person is known, the nature and extent of the abuse or neglect, and the name and address of the reporter. The written report may be completed on reporting forms supplied by St. Louis County Social Services and available in the school office.

A staff member who knows or has reason to believe that abuse or neglect has taken place is solely responsible for reporting to St. Louis County Social Services or a local law enforcement agency. School support staff (i.e., nurse, social worker, counselor, or psychologist) or building administrator may be consulted before a report is made; however, under no circumstances does such a consultation or notification relieve a staff member from his/her responsibility to report. A staff member named by the Superintendent will be responsible for information and procedures on the Abuse and Neglect Reporting Laws. This person may also be contacted by staff if additional information is wanted.

### Authority of St. Louis County Social Services or Local Law Enforcement Agency

Upon presentation of written authorization, St. Louis County Social Service and law enforcement personnel have the right to interview students in school without parental consent or knowledge. These agencies maintain exclusive authority to determine who may attend the interview. The interview may take place at school or the child may be transported to, and the interview conducted at, a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency. This authority relates only to the assessment and/or investigation of abuse or neglect reports. The responsibility for investigation is solely that of local law enforcement and St. Louis County Social Services. School District employees shall not contact parents or attempt to investigate. If contacted by a parent, the parent should be referred to the investigative agency.

### Records

The principal, program supervisor, or designee shall maintain a file of all written information relating to a report of abuse or neglect until they are notified by the appropriate investigating agency to destroy such information. No written information, whether originating from the investigating agency or from the school, should be maintained after notification to destroy has been given. Reports of suspected abuse or neglect are not to be placed in a student's permanent file.

### Protection for Persons Reporting

All persons making reports, whether mandated or voluntary, are immune from civil or criminal liability if the report is made in good faith. In addition, any public school employee who permits access by St. Louis County Social services or local law enforcement and assists in an investigation or assessment is immune.

The name of the reporter shall be confidential, both during and after an assessment or investigation. Intentional disclosure of the identity of the reporter by persons conducting the assessment or investigation is a misdemeanor.

The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. The reporter should be aware that their name may be disclosed or they may be called as a witness in a criminal procedure. The employer of any person who is required to make reports is prohibited from retaliating against the person for reporting in good faith.

### Failure to Report

A person mandated to report who knows or has reason to believe that a child is being

neglected or abused or has been neglected or abused within the preceding three years and fails to report is guilty of a misdemeanor.

### Feedback to Reporter

Upon conclusion of every assessment it conducts, St. Louis County Social Services shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

Any person mandated to report shall, upon request to St. Louis County Social Services, receive a summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

### Definitions

"Sexual Abuse" means the subjection of a person responsible for a child's care or by a person in a position of authority to any of the following: Acts ranging from touching or fondling to penetration or intercourse, solicitation, inducement or proposition of prostitution, use of minors in sexual performances. Sexual abuse includes threatened sexual abuse.

"Neglect" means failure of a person responsible for a child's care to supply a child with necessary food, clothing, shelter, or medical care when reasonably able to do so; or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Failure to take steps to ensure that a child is educated in accordance with state law. Neglect also includes prenatal exposure to a controlled substance used by the mother for a non-medical purpose.

"Physical abuse" means any physical or mental injury or threatened injury inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

"Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child, such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child, such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby-sitting, whether paid or unpaid, counseling, teaching, and coaching.

"Prenatal exposure to a controlled substance" means a woman who is pregnant who uses a controlled substance for non-medical purposes. Some examples of controlled substances as defined in Minnesota Statutes are cocaine, heroin, phencyclidine inethamphetamine and amphetamines.

"Mental Injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

"Threatened Injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

"Deprivation of Parental Rights" means a minor who has been taken or kept from a person who has right to visitation or custody.

"Vulnerable adult" means any person 18 years of age or older who is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

Reference: MSA 626.556

Adopted: 11-18-1975 ISD 709

Revised: 08-10-1982

12-10-1985

09-12-1989

01-18-1994

06-20-1995 ISD 709

## **5135 PHYSICAL EXAMINATIONS**

The health of the student is one of the most important factors relative to his/her progress in school.

1. Recommended Physical Examinations

The School Board recommends that children have a complete physical examination:

- a. When entering kindergarten
- b. When entering middle school

A student's physical examination may aid the school in providing an educational program best suited for the student. It also may discover young persons who need medical attention, serve as a basis for the prevention and early treatment of disease, and assist in the correction of defects.

2. Extra-Curricular Activities Physical Examinations

It shall be the responsibility of parents of students who wish their son or daughter to participate in interscholastic athletic activities that require physical examinations to arrange for this examination with a physician of their choice. Payment for this examination shall be a responsibility of the parent except in cases of financial hardship.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

## **5150 CHEMICAL USE, ABUSE, AND DEPENDENCY**

The School Board recognizes the existence of conditions such as chemical use, abuse, and dependency which impede the educational process. Therefore, the School District shall assist in the prevention, identification, and response to chemical use problems in the early stages.

### **1. Prevention**

- a. Instruction at all levels is intended to enable students to make responsible decisions regarding chemical use.
- b. In addition to the student program, staff members will participate in on-going in-service programs related to the broad range of chemical health issues.

### **2. Identification**

- a. The School District shall assist in the identification of abuse cases and facilitate professional evaluation, support, and rehabilitation services.
- b. Teachers and other staff members have a responsibility to observe behavior changes in students and document and report these observations.
- c. In secondary schools, the chemical dependency program shall be coordinated by the building student assistance team and at the elementary schools by the principal.
- d. When the behavior of a student jeopardizes his/her health, safety, welfare, or that of other students or staff, there will be an immediate intervention. Immediate intervention is mandated when a student is observed possessing, consuming, or distributing chemical substances on school grounds or at school events. Appropriate action shall be taken by school personnel to deal with alleged violators.

### **3. Response**

- a. Students who become chemically dependent are subject to the same educational standards and expectations as students with other health problems.
- b. The school will assist in a system of support upon the return of a student from the treatment of his/her problem.
- c. Programs shall be designed not only for a student who is chemically dependent but for the student whose academic performance is affected by a family member who is chemically dependent. Such students shall be advised as to the availability of community assistance programs.
- d. All records pertaining to a student's chemical dependency problem shall be private data on individuals and retained apart from other school records. Access shall be limited to the student, individuals with the School District whose work assignment reasonably requires access, entities who are authorized by statute or federal law to have access and entities or individuals given access by the express written direction of the data subject pursuant to Minnesota Statute Section 13.01 to 13.87 and State Rules Part 1205.400, Subd. 2.

Adopted: 09-08-1981 ISD 709

Revised: 01-21-1986

06-20-1995 ISD 709





## **524 INTERNET ACCEPTABLE USE AND SAFETY POLICY**

### **I. PURPOSE**

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

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

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

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

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

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

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

### **V. UNACCEPTABLE USES**

- A. While not an exhaustive list, the following uses of the school district system and Internet resources or accounts are considered unacceptable:
  - 1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
    - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;

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

- (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
- (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

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

- c. These prohibitions specifically prohibit a user from utilizing the school district system 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," "Snapchat," "TikTok," "Reddit," and similar websites or applications.
7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
  8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
  9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
  10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. The school district has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations may include, but are not limited to, serious

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

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

## **VI. FILTER**

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

- D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

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

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

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

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

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

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.

- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

**X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

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

**XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district’s liability relative to:
    - a. Information stored on school district diskettes, hard drives, or servers.
    - b. Information retrieved through school district computers, networks, or online resources.
    - c. Personal property used to access school district computers, networks, or online resources.
    - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
  - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  - 4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  - 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student’s parents.

6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.
7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

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

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
  1. A copy of the user notification form provided to the student user.
  2. A description of parent/guardian responsibilities.
  3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
  4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
  5. A statement that the school district's acceptable use policy is available for parental review.

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

- A. "Technology provider" means a person who:
  1. contracts with the school district, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and
  2. creates, receives, or maintains educational data pursuant or incidental to a contract with the school district.
- B. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- C. Within 30 days of the start of each school year, the school district must give parents



and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

1. identify each curriculum, testing, or assessment technology provider with access to educational data;
  2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and
  3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.
- D. The school district must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.
- E. A contract between a technology provider and the school district must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:
1. the technology provider's employees or contractors have access to educational data only if authorized; and
  2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.
- F. All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

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

- A. "School-issued device" means hardware or software that the school district, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.
- B. Except as provided in paragraph C, the school district or a technology provider must not electronically access or monitor:
1. any location-tracking feature of a school-issued device;
  2. any audio or visual receiving, transmitting, or recording feature of a school issued device; or
  3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.

- C. The school district or a technology provider may only engage in activities prohibited by paragraph B if:
  - 1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by the school district, a vendor, or the Minnesota Department of Education, and notice is provided in advance;
  - 2. the activity is permitted under a judicial warrant;
  - 3. the school district is notified or becomes aware that the device is missing or stolen;
  - 4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;
  - 5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes section 121A.031; or
  - 6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.
- D. If the school district or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

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

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

**XVI. IMPLEMENTATION; POLICY REVIEW**

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

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

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

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