

Policy Committee

Tuesday, September 2, 2025 3:45 PM

Faribault Public Schools District Office, 710 17th Street SW, Faribault, MN 55021

I. Call to Order

I.A. Determination of a Quorum Present

I.B. Pledge of Allegiance

II. Approval of Agenda - ACTION

III. Review of Policies - ACTION

III.A. Policy 203.5: School Board Meeting Agenda

III.B. Policy 205: Open Meetings and Closed Meetings

III.C. Policy 209: Code of Ethics

III.D. Policy 210: Conflict of Interest

IV. Revision of Policies - ACTION

IV.A. Policy 425: Staff Development

IV.B. Policy 512: School-Sponsored Student Publications and Activities

IV.C. Policy 803.4: Reproduction of Copyrighted Materials **Presenter:** Mike Berding, Director of Technology and Innovation

V. New Policies - ACTION

V.A. New Policy 599: Social Media Policy

VI. Next Meeting: October 7, 2025 - INFORMATION

VII. Adjournment - ACTION

School Board Meeting Agenda
Policy No. 203.5

I. PURPOSE

The purpose of this policy is to provide procedures for the preparation of the school board meeting agenda to ensure that the school board can accomplish its business as efficiently and expeditiously as possible.

II. GENERAL STATEMENT OF POLICY

The policy of the school board is that school board meetings shall be conducted in a manner to allow the school board to accomplish its business while allowing reasoned debate and discussion of each matter to be acted upon.

III. PROCEDURES

- A. While all school board members may provide input, it shall be the responsibility of the school board chair and superintendent to develop, prepare, and arrange the order of items for the tentative school board meeting agenda for each school board meeting.
- B. Persons wishing to place an item on the agenda must make a request to the school board chair or superintendent in a timely manner. The person making the request is encouraged to state the person's name, address, purpose of the item, action desired, and pertinent background information. The chair and superintendent shall determine whether to place the matter on the tentative agenda.

[Note: The Commissioner of Administration has issued an opinion that a government entity is limited to acting only on those matters specifically included in the notice of a special meeting.]

- C. The tentative agenda and supporting documents shall be sent to the school board members five (5) days prior to the scheduled school board meeting.
- D. Items may only be added to the agenda by a motion adopted at the meeting. If an added item is acted upon, the minutes of the school board meeting shall include a description of the matter.
- E. At least one copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the

direction of the school board or its employees and: (i) distributed at the meeting to all members of the governing body; (ii) distributed before the meeting to all members; or (iii) available in the meeting room to all members shall be available in the meeting room for inspection by the public while the school board considers their subject matter. This does not apply to materials classified by law as other than public or to materials relating to the agenda items of a closed meeting.

Date of Adoption: May 23, 2022

Legal References: Minn. Stat. § 13D.01, Subd. 6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)
Dept. of Admin. Advisory Op. No. 10-013 (April 29, 2010)
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
Dept. of Admin. Advisory Op. No. 13-015 (December 23, 2013)

Cross References: MSBA/MASA Model Policy 203 (Operation of the School Board – Governing Rules)
MSBA/MASA Model Policy 203.2 (Order of the Regular School Board Meeting)
MSBA/MASA Model Policy 203.6 (Consent Agendas)
MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
MSBA/MASA Model Policy 207 (Public Hearings)

Open Meetings and Closed Meetings
Policy No. 205

I. PURPOSE

- A. The school board embraces accountability and transparency in the conduct of its business, in the belief that openness produces better programs, more efficient administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting an individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

“Meeting” means a gathering of at least a quorum of school board members-or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include e-mail.

IV. PROCEDURES

A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at the school district office. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its regular meeting schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.
- c. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- e. The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than sixty (60) days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the school board's judgment, require immediate consideration.

[Note: While the statute leaves the question to the board of whether the circumstances require immediate consideration at an emergency meeting, advisory opinions of the Minnesota Commissioner of Administration would limit such meetings to responding to natural disasters or health epidemics caused by an event such as an accident or terrorist attack.]

- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least twenty-four (24) hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Meetings during Pandemic or Chapter 12 Emergency

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or interactive technology in compliance with Minn. Stat. § 13D.021.

8. Meetings by Interactive Technology

A meeting may be conducted by interactive technology, Zoom, Skype, or other similar electronic means in compliance with Minn. Stat. § 13D.02.

B. Votes

The votes of school board members shall be recorded in a journal or minutes kept for that purpose. The journal or any minutes used to record votes of a meeting must be open to the public during all normal business hours at the school district's administrative offices.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.

2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Open Meetings and Data

1. Meetings may not be closed to discuss data that are not public data, except as provided under Minnesota law.

2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minnesota's Public Employment Labor Relations Act (PELRA)
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation meetings, and hearings between the school board and its employees or their respective representatives are public meetings. Mediation meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Allegations or Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the

expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Privilege Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, for example, regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent, or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within fourteen (14) days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach its reasons in writing within ten (10) days of receiving the request. The existence of parent complaints must not be the sole reason for the school board not to renew a coaching contract.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.
- e. A meeting closed for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

- a. Any portion of a meeting must be closed if the following types of data are discussed:
 - (1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
 - (2) active investigative data collected or created by a law enforcement agency;
 - (3) educational data, health data, medical data, welfare data, or mental health data that are not public data; or
 - (4) an individual's personal medical records.
- b. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
 - (1) to determine the asking price for real or personal property to be sold by the school district;
 - (2) to review confidential or nonpublic appraisal data; and
 - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.

- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

Date of Adoption: May 23, 2022

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 13D (Open Meeting Law)
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures))
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)
Minn. Rules Part 5510.2810 (Bureau of Mediation Services)
Brown v. Cannon Falls Township, 723 N.W.2d 31 (Minn. App. 2006)
Brainerd Daily Dispatch v. Dehen, 693 N.W.2d 435 (Minn. App. 2005)
The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. App. 2004)
Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002)
Star Tribune v. Board of Education, Special School District No. 1, 507 N.W.2d 869 (Minn. App. 1993)
Minnesota Daily v. University of Minnesota, 432 N.W.2d 189 (Minn. App. 1988)
Moberg v. Independent School District No. 281, 336 N.W.2d 510 (Minn. 1983)
Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied.* (Minn. 1993)
Dept. of Admin. Advisory Op. No. 21-003 (April 19, 2021)
Dept. of Admin. Advisory Op. No. 21-002 (January 13, 2021)
Dept. of Admin. Advisory Op. No. 19-012 (October 24, 2019)
Dept. of Admin. Advisory Op. No. 19-008 (May 22, 2019)
Dept. of Admin. Advisory Op. No. 19-006 (April 9, 2019)
Dept. of Admin. Advisory Op. No. 18-019 (December 28, 2018)

Dept. of Admin. Advisory Op. No. 17-005 (June 22, 2017)
Dept. of Admin. Advisory Op. No. 13-009 (March 19, 2013)
Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)
Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)
Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)
Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)
Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

Cross References: MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
MSBA/MASA Model Policy 207 (Public Hearings)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Law Bulletin “C” (Minnesota’s Open Meeting Law)

Faribault Public Schools
Faribault, MN

Board of Education
Series 200

Code of Ethics
Policy No. 209

[NOTE: A code of ethics establishes standards of conduct that members of a school board create and agree to follow. The principles and values embodied in this code of ethics prioritize board members' obligations to students, the district, and the community. As a written set of expectations, a code of ethics guides board members' decision making and behavior. This model policy offers a starting point for school boards as they create a code that establishes parameters for board member conduct that best serve their district. Minnesota law and rules of parliamentary procedure establish sanctions that a school board may choose to pursue.]

I. PURPOSE

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

II. GENERAL STATEMENT OF POLICY

Each school board member shall follow the code of ethics stated in this policy.

A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.

8. Inform myself about the proper duties and functions of a school board member.

B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy – not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.
5. Work through the superintendent – not over or around the superintendent.
6. Delegate the implementation of school board decisions to the superintendent.

C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
6. Insist that committees be appointed to serve only in an advisory capacity to the school board.

D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

E. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in hiring all employees.
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Insist the superintendent keep the school board adequately informed at all times.
7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

Date of Adoption: December 5, 2022

Legal References: Minn. Stat. § 123B.02, Subd. 1 (General Powers of Independent School Districts)
Minn. Stat. § 123B.09 (Boards of Independent School Districts)
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

Cross References: None

Conflict of Interest – School Board Members
Policy No. 210

I. PURPOSE

The purpose of this policy is to observe state statutes regarding conflicts of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school board to contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS

- A. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- B. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
 - 1. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with Minn. Stat. Ch. 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the school board minutes. Disclosure shall be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and need only be made once;
 - 2. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only

newspaper complying with statutory requirements relating to the designation or publication;

3. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:
 - a. The school board shall authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
 - b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
 - c. Before a claim is paid, the interested school board member shall file with the clerk of the school board an affidavit stating:
 - (1) The name of the school board member and the office held;
 - (2) An itemization of the goods or services furnished;
 - (3) The contract price;
 - (4) The reasonable value;
 - (5) The interest of the school board member in the contract; and
 - (6) That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
5. A school board member may contract with the school district to provide construction materials or services, or both, when the sealed bid process is used. When the contract comes before the school board for consideration, the interested school board member may not vote on the contract. (***Note: This section applies only when the school district has a population of 1,000 or less according to the last federal census.***)
6. A school board member may rent space in a public facility at a rate commensurate with that paid by other members of the public.

- C. In the following circumstances, the school board may as an exception, by majority vote at a meeting at which all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee only if there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$8,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or to continue in employment at a meeting at which all school board members are present, that employment is immediately terminated and that school board member has no further rights to employment while serving as a school board member in the school district.

- D. The school board may contract with a class of school district employees, such as teachers or custodians, when the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. For the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting in which the contract is approved.

IV. LIMITATIONS ON RELATED EMPLOYEES

- A. The school board must hire or dismiss teachers only at duly called meetings. When a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.

- B. The school board may not employ any teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full school board.

V. CONFLICTS PRIOR TO TAKING OFFICE

A school board member with personal financial interest in a sale, lease, or contract with the school district which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

Date of Adoption: May 23, 2022

Legal References: Minn. Stat. § 122A.40, Subd. 3 (Teacher Hiring, Dismissal)
Minn. Stat. § 123B.195 (Board Member's Right to Employment)
Minn. Stat. § 471.87 (Public Officers, Interest in Contract; Penalty)
Minn. Stat. § 471.88, Subds. 2, 3, 4, 5, 12, 13, and 21 (Exceptions)
Minn. Stat. § 471.89 (Contract, When Void)
Op. Atty. Gen. 437-A-4, March 15, 1935
Op. Atty. Gen. 90-C-5, July 30, 1940
Op. Atty. Gen. 90-A, August 14, 1957

Cross References: MSBA/MASA Model Policy 101 (Legal Status of the School Board)
MSBA/MASA Model Policy 209 (Code of Ethics)

Staff Development and Mentoring
Policy No. 425

[NOTE: The provisions of this policy substantially reflect statutory requirements.]

I. PURPOSE

The purpose of this policy is to establish a staff development program and structure to carry out planning and reporting on staff development that supports improved student learning.

II. ADVISORY STAFF DEVELOPMENT COMMITTEE AND SITE PROFESSIONAL DEVELOPMENT TEAMS

A. The school board will establish an Advisory Staff Development Committee to develop a Staff Development Plan, assist Site Professional Development Teams in developing a site plan consistent with the goals of the Staff Development Plan, and evaluate staff development efforts at the site level.

1. The majority of the membership of the Advisory Staff Development Committee shall consist of teachers representing various grade levels, subject areas, and special education. The Committee also will include nonteaching staff, parents, and administrators.

2. Members of the Advisory Staff Development Committee shall be appointed by the school ~~board~~administration. Committee members shall serve a two-year term* based upon nominations by board members, teachers, and paraprofessionals. The school ~~board~~administration shall appoint replacement members of the Advisory Staff Development Committee as soon as possible following the resignation, death, serious illness, or removal of a member from the Committee.

B. The school board will establish the Site Professional Development Teams.

1. Members of the Site Professional Development Teams will be appointed by the school ~~board~~administration. Team members shall

* This time period may be changed to accommodate individual school district needs.

serve a two-year term* based upon nominations by board members, teachers, and paraprofessionals. The school ~~board~~-administration shall appoint replacement members of the Site Professional Development Teams as soon as possible following the resignation, death, serious illness, or removal of a member from the Team.

2. The majority of the Site Professional Development Teams shall be teachers representing various grade levels, subject areas, and special education.

III. DUTIES OF THE ADVISORY STAFF DEVELOPMENT COMMITTEE

- A. The Advisory Staff Development Committee will develop a Staff Development Plan that will be reviewed and subject to approval by the school board twice a year.*
- B. The Staff Development Plan must contain the following elements:
 1. Staff development outcomes that are consistent with the education outcomes as may be determined periodically by the school board;

[NOTE: The board-determined education outcomes for your district could be inserted here.]

2. The means to achieve the Staff Development outcomes;
3. The procedures for evaluating progress at each school site toward meeting educational outcomes consistent with relicensure requirements under Minnesota Statutes, section 122A.187;
4. Ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:
 - a. Improve student achievement of state and local education standards in all areas of the curriculum, including areas of regular academic and applied and experiential learning, by using research-based best practices methods;
 - b. Effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, English learners, and gifted children, within the regular classroom, applied and experiential learning settings, and other settings;
 - c. Provide an inclusive curriculum for a racially, ethnically,

linguistically, and culturally diverse student population that is consistent with state education diversity rule and the district's education diversity plan;

- d. Improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;
- e. Effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;
- f. Effectively deliver digital and blended learning and curriculum and engage students with technology; and
- g. Provide teachers and other members of site-based management teams with appropriate management and financial management skills.

5. The Staff Development Plan also must:

- a. Support stable and productive professional communities achieved through ongoing and schoolwide progress and growth in teaching practice;
- b. Emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;
- c. Maintain a strong subject matter focus premised on students' learning goals consistent with Minnesota Statutes, section 120B.125;
- d. Ensure specialized preparation and learning about issues related to teaching English learners and students with special needs by focusing on long-term systemic efforts to improve educational services and opportunities and raise student achievement; and
- e. Reinforce national and state standards of effective teaching practice.

6. Staff development activities must:

- a. Focus on the school classroom and research-based strategies that improve student learning;
- b. Provide opportunities for teachers to practice and improve their instructional skills over time;

- c. Provide opportunities for teachers to use student data as part of their daily work to increase student achievement;
 - d. Enhance teacher content knowledge and instructional skills, including to accommodate the delivery of digital and blended learning and curriculum and engage students with technology;
 - e. Align with state and local academic standards;
 - f. Provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring;
 - g. Align with the plan, if any, of the district or site for an alternative teacher professional pay system;
 - h. Provide teachers of English learners, including English as a second language, and content teachers with differentiated instructional strategies critical for ensuring students long-term academic success, the means to effectively use assessment data on the academic literacy, oral academic language, and English language development of English learners, and skills to support native and English language development across the curriculum; and
 - i. Provide opportunities for staff to learn about current workforce trends, the connections between workforce trends and postsecondary education, and training options, including career and technical education options.
7. Staff development activities may include curriculum development and curriculum training programs and activities that provide teachers and other members of site-based teams training to enhance team performance.
8. The school district may implement other staff development activities required by law and activities associated with professional teacher compensation models.

[NOTE: To the extent the school board offers K-12 teachers the opportunity for more staff development training under Minnesota Statutes, section 122A.40, Subdivisions. 7 and 7a, or Minnesota Statutes, section 122A.41, subdivisions. 4 and 4a, such additional days of staff development should include peer mentoring, peer gathering, continuing education, professional development, or other training which enable teachers to achieve the staff development outcomes enumerated above in Section III.B.4.]

- C. The Advisory Staff Development Committee will assist Site Professional Development Teams in developing a site plan consistent with the goals and outcomes of the Staff Development Plan.
- D. The Advisory Staff Development Committee will evaluate staff development efforts at the site level and will report to the school board on a quarterly basis* the extent to which staff at the site have met the outcomes of the Staff Development Plan.
- E. In addition to developing a Staff Development Plan, the Staff Development Advisory Committee also must develop teacher mentoring programs for teachers new to the profession or school district, including teaching residents, teachers of color, teachers who are American Indian, teachers in license shortage areas, teachers with special needs, or experienced teachers in need of peer coaching. Teacher mentoring programs must be included in or aligned with the school district's teacher evaluation and peer review processes under Minnesota Statutes, sections 122A.40, subdivision 8 or 122A.41, subdivision 5.
- F. The Advisory Staff Development Committee shall assist the school district in preparing any reports required by the Minnesota Department of Education (MDE) relating to staff development or teacher mentoring including, but not limited to, the reports referenced in Section VII. below.

IV. DUTIES OF THE SITE PROFESSIONAL DEVELOPMENT TEAM

- A. Each Site Professional Development Team shall develop a site plan, consistent with the goals of the Staff Development Plan. The school board will review the site plans for consistency with the Staff Development Plan twice a year.*
- B. The Site Professional Development Team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the Staff Development Plan. The actual reports to the school board can be made by the Advisory Staff Development Committee to avoid duplication of effort.
- C. If the school board determines that staff development outcomes are not being met, it may withhold a portion of the initial allocation of revenue referenced in Section V. below.

V. STAFF DEVELOPMENT FUNDING

- A. Unless the school district is in statutory operating debt or a majority of the

* This time period may be changed to accommodate individual school district needs.

school board and a majority of its licensed teachers annually vote to waive the requirement to reserve basic revenue for staff development, the school district will reserve an amount equal to at least two percent of its basic revenue for: (1) teacher development and evaluation under Minnesota Statutes, section 122A.40, subdivision 8 or 122A.41, subdivision 5; (2) principal development and evaluation under section 123B.147, subdivision 3; (3) professional development under section 122A.60; (4) in-service education for programs under section 120B.22, subdivision 2; and (5) teacher mentorship under section 122A.70, subdivision 1. . To the extent extra funds remain, staff development revenue may be used for development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teacher's workshops, teacher conferences, the cost of substitute teachers for staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. The school district also may use the revenue reserved for staff development for grants to the school district's teachers to pay for coursework and training leading to certification as either a college in the schools teacher or a concurrent enrollment teacher. To receive a grant, the teacher must be enrolled in a program that includes coursework and training focused on teaching a core subject.

- B. The school district may, in its discretion, expend an additional amount of unreserved revenue for staff development based on its needs.
- C. Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under Minnesota Statutes, section 122A.61.

VI. PROCEDURE FOR USE OF STAFF DEVELOPMENT FUNDS

- A. On a yearly* basis, the Advisory Staff Development Committee, with the assistance of the Site Professional Development Teams, shall prepare a projected budget setting forth proposals for allocating staff development and mentoring funds reserved for each school site. Such budgets shall include, but not be limited to, projections as to the cost of building site training programs, costs of individual staff seminars, and cost of substitutes.
- B. Upon approval of the budget by the school board, the Advisory Committee shall be responsible for monitoring the use of such funds in accordance with

* This time period may be changed to accommodate individual school district needs.

the Staff Development Plan and budget. The requested use of staff development funds must meet or make progress toward the goals and objectives of the Staff Development Plan. All costs/expenditures will be reviewed by the school board and/or superintendent for consistency with the Staff Development Plan on a quarterly basis.*

- C. Individual requests from staff for leave to attend staff development activities shall be submitted and reviewed according to school district policy, staff procedures, contractual agreement, and the effect on school district operations. Failure to timely submit such requests may be cause for denial of the request.

- D. The school district may use staff development revenue, special grant programs established by the legislature, or another funding source to pay a stipend to a mentor who may be a current or former teacher who has taught at least three (3) years and is not on an improvement plan. Other initiatives using such funds. or funds available under Minnesota Statutes, sections 124D.861 and 124D.862, may include:
 - 1. additional stipends as incentives to mentors of color or who are American Indian;
 - 2. financial supports for professional learning community affinity groups across schools within and between districts for teachers from underrepresented racial and ethnic groups to come together throughout the school year;
 - 3. programs for induction aligned with the school district or school mentorship program during the first three (3) years of teaching, especially for teachers from underrepresented racial and ethnic groups; or
 - 4. grants supporting licensed and nonlicensed educator participation in professional development, such as workshops and graduate courses, related to increasing student achievement for students of color and American Indian students in order to close opportunity and achievement gaps.

To the extent the school district receives a grant for any of the above purposes, it will negotiate additional retention strategies or protection from unrequested leave of absences in the beginning years of employment for teachers of color and teachers who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five (5) years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.

VII. PARAPROFESSIONALS, TITLE I AIDES, AND OTHER INSTRUCTIONAL SUPPORT STAFF

- A. The school district must provide a minimum of eight hours of paid orientation or professional development annually to all paraprofessionals, Title I aides, and other instructional support staff. Six of the eight hours must be completed before the first instructional day of the school year or within 30 days of hire. The school district must consult the exclusive representative for employees receiving this training before creating or planning the training required under this section.
- B. The orientation or professional development must be relevant to the employee's occupation and may include collaboration time with classroom teachers and planning for the school year.
- C. For paraprofessionals who provide direct support to students, at least 50 percent of the professional development or orientation must be dedicated to meeting the requirements of this section. Professional development for paraprofessionals may also address the requirements of Minnesota Statutes, section 120B.363, subdivision 3.
- D. A school administrator must provide an annual certification of compliance with this requirement to the MDE Commissioner.
- ~~E. For the 2024-2025 school year only, a school may reduce the hours of training required in paragraphs (b) to (e) to a minimum of six hours and must pay for paraprofessional test materials and testing fees for any paraprofessional employed by the school district during the 2023-2024 school year who has not yet successfully completed the paraprofessional assessment or met the requirements of the paraprofessional competency grid.~~

~~**[NOTE: The 2024 Minnesota legislature added these provisions. Paragraph E is in effect for the 2024-25 school year only.]**~~

VIII. REPORTING

- A. The school district and site staff development committee shall prepare a report of the previous fiscal year's staff development activities and expenditures as part of the school district's comprehensive achievement and civic readiness report.
 - 1. The report must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities.

2. The report will provide a breakdown of expenditures for:
 - a. Curriculum development and curriculum training programs;
 - b. Staff development training models, workshops, and conferences; and
 - c. The cost of releasing teachers or providing substitute teachers for staff development purposes.

The report also must indicate whether the expenditures were incurred at the district level or the school site level and whether the school site expenditures were made possible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the uniform financial and accounting and reporting standards (UFARS).

3. The report will be signed by the superintendent and staff development chair.
- B. To the extent the school district receives a grant for mentorship activities described in Section V.D., by June 30 of each year after receiving a grant, the site staff development committee must submit a report to the Professional Educator Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

Adopted: August 21, 2023

Revised: ~~August 19, 2024~~

Legal References: Minn. Stat. § 120A.41 (Length of School Year; Days of Instruction)
 Minn. Stat. § 120A.415 (Extended School Calendar)
 Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
 Minn. Stat. § 120B.22, Subd. 2 (Violence Prevention Education)
 Minn. Stat. § 121A.642 (Paraprofessional Training)
 Minn. Stat. § 122A.187 (Expiration and Renewal)
 Minn. Stat. § 122A.40, Subds. 7, 7a and 8 (Employment; Contracts; Termination - Additional Staff Development and Salary)
 Minn. Stat. § 122A.41, Subds. 4, 4a and 5 (Teacher Tenure Act; Cities of the First Class; Definitions - Additional Staff Development and Salary)
 Minn. Stat. § 122A.60 (Staff Development Program)
 Minn. Stat. § 122A.70 (Teacher Mentorship and Retention of Effective Teachers)
 Minn. Stat. § 122A.61 (Reserved Revenue for Staff Development)

Minn. Stat. § 123B.147, Subd. 3 (Principals)
Minn. Stat. § 124D.861 (Achievement and Integration for Minnesota)
Minn. Stat. § 124D.862 (Achievement and Integration Revenue)
Minn. Stat. § 126C.10, Subds. 2 and 2b (General Education Revenue)
Minn. Stat. § 126C.13, Subd. 5 (General Education Levy and Aid)

Cross References: None.

Faribault Public Schools
Faribault, MN

Student Personnel
Series 500

School-Sponsored Student Publications and Activities
Policy No. 512

I. PURPOSE

The purpose of this policy is to protect students' rights to free speech in production of school-sponsored activities while at the same time balancing the school district's role in supervising student publications and the operation of public schools.

II. GENERAL STATEMENT OF POLICY

~~***[NOTE: A school district generally will wish to reserve a forum it sponsors for its intended purpose in light of the special characteristics of the school environment. By doing so, the school district will have more authority/editorial control over student expression in such a forum. Sponsorship alone may not be enough, however. If the exercise of control is challenged, courts will examine factors such as whether the school district's purpose in creating the forum was educational, whether school officials supervised the publication or activity and exercised editorial control over the contents, whether the materials were produced as part of the curriculum, and whether students received grades and academic credit for the publication or activity. If a forum is reserved, regulation of student expression as in Section IV.B. of this policy will be permissible. If a forum is not reserved, but rather is opened for public communication by tradition or designation, then only the limited regulation of speech as described in Section IV.A. of this policy will be permissible.]***~~

~~A. The school district may exercise editorial control over the style and content of student expression in school-sponsored publications and activities.~~

AB. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school district policy. Faculty advisors shall supervise student writers to ensure compliance with the law and school district policies.

BC. Students who believe their right to free expression has been unreasonably

restricted in a school-sponsored media or activity may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.

1. Students producing school-sponsored media and activities shall be under the supervision of a faculty advisor and the school principal. School-sponsored media and activities shall be subject to the guidelines set forth below.
2. School-sponsored media may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting, or displaying material, or placing materials in internal staff or student mailboxes.
- B. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.
- C. "Material and substantial disruption" of a normal school activity means:
 1. Where the normal school activity is an educational program of the school district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
 2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- D. "Minor" means any person under the age of eighteen (18).
- E. "Obscene to minors" means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- F. "School activities" means any activity of students sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.
- G. "School-sponsored media" means material that is:
1. prepared, wholly or substantially written, published, broadcast, or otherwise disseminated by a student journalist enrolled in the school district;
 2. distributed or generally made available to students in the school; and
 3. prepared by a student journalist under the supervision of a student media adviser. School-sponsored media does not include material prepared solely for distribution or transmission in the classroom in which the material is produced, or a yearbook.
- H. "Student journalist" means a school district student in grades 6 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares information for dissemination in school-sponsored media.
- I. "Student media adviser" means a qualified teacher, as defined in Minnesota Statutes, section 122A.16, that the school district employs, appoints, or designates to supervise student journalists or provide instruction relating to school-sponsored media.

~~[NOTE: The 2024 Minnesota legislature enacted the new definitions above and the new language in Article IV. below.]~~

IV. GUIDELINES

- A. Except as provided in paragraph B below, a student journalist has the right to exercise freedom of speech and freedom of the press in school-sponsored media regardless of whether the school-sponsored media receives financial support from the school or district, uses school equipment or facilities in its production, or is produced as part of a class or course in which the student journalist is enrolled. Freedom of speech includes freedom to express political viewpoints. Consistent with paragraph B below, a student journalist has the right to determine the news, opinion, feature, and advertising content of school-sponsored media. The school district must not discipline a student journalist for exercising rights or freedoms under this paragraph or the First Amendment of the United States Constitution.
- B Student expression in school-sponsored media, a yearbook, or school-sponsored activity is prohibited when the material:
1. is obscene to minors;
 2. is libelous or slanderous;
 3. is defamatory;
 4. is profane, harassing, threatening, or intimidating;
 5. constitutes an unwarranted invasion of privacy;
 6. violates federal or state law;
 7. causes a material and substantial disruption of school activities;
 8. is directed to inciting or producing imminent lawless action on school premises or the violation of lawful school policies or rules, including a policy adopted in accordance with Minnesota Statutes, section 121A.03 or 121A.031;
 9. advertises or promotes any product or service not permitted for minors by law;
 10. ~~expresses or~~ advocates sexual, racial, or religious harassment or violence or prejudice; or
 11. is distributed or displayed in violation of time, place, and manner regulations.

- C. The school district must not retaliate or take adverse employment action against a student media adviser for supporting a student journalist exercising rights or freedoms under paragraph A above or the First Amendment of the United States Constitution.
- D. Notwithstanding the rights or freedoms of this Article or the First Amendment of the United States Constitution, nothing in this Article inhibits a student media adviser from teaching professional standards of English and journalism to student journalists.

These professional standards may include, but are not limited to, the following:

1. assuring that participants learn whatever lessons the activity is designed to teach;
2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
3. assuring that the views of the individual speaker are not erroneously attributed to the school;
4. assuring that the school is not associated with any position other than neutrality on matters of political controversy;
5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;
6. assuring that the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

E. Time, Place, and Manner of Distribution

Students shall be permitted to distribute written materials at school as follows:

1. Time

Distribution shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entry ways, and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

3. Manner

No one shall induce or coerce a student or staff member to accept a student publication.

V. POSTING

The school district must adopt a student journalist policy consistent with Minnesota Statutes, section 121A.80 and post it on the district website.

~~**[NOTE: This model policy is crafted to fulfill the obligation stated above.]**~~

Adopted: April 20, 2009

Revised: ~~August 19, 2024~~

Legal References:

U. S. Const., amend. I Morse v. Frederick, 551 U.S. 393 (2007) Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Bystrom v. Fridley High School, I.S.D. No. 14, 822 F. 2d 747 (8th Cir. 1987)

Minn. Stat. § 121A.03 (Model Policy)

Minn. Stat. § 121A.031 (School Student Bullying Policy)

Minn. Stat. § 121A.80 (Student Journalism; Student Expression)

Cross References:

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 904 (Distribution of Materials on School District Property by Nonschool Persons)

FARIBAULT PUBLIC SCHOOLS
Faribault, Minnesota

~~Business Procedures~~
~~Series 800~~

USE OF AND REPRODUCTION OF COPYRIGHTED MATERIALS

Policy No. ~~803.4~~ 625

I. PURPOSE

The purpose of this policy is to provide direction for compliance with federal copyright laws.

II. GENERAL STATEMENT OF POLICY

It is policy of the school board ~~Independent School District No. 656 seeks~~ to ensure that copyright laws are adhered to by the School District, its employees, ~~and~~ its students, and others providing services on the School District's behalf.

III. DEFINITIONS

A. Copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression.

B. Copyrighted Work is the expression of an original creative work and/or the recording, or fixing, of a creative work. Copyright begins with the expression of a created work.

C. Fair Use is the legal doctrine that allows for the use or reproduction of copyrighted works for the purposes of criticism, comment, news reporting, teaching, scholarship, or research.

D. Legitimately Owned Copy or Legal Copy is a legally obtained or legally archived copyrighted work from which the work can be perceived, reproduced, or otherwise communicated.

E. Public Domain Works are creative works that are no longer protected by intellectual property laws such as copyright. Public domain works can be freely used without permission or restriction. Derivatives, additions, and/or new original elements added to public domain work are not considered public domain.

IV. FAIR USE STANDARDS

Only legal copies of copyrighted materials may be made on school equipment or used in or by the School District, ~~its staff, its students, or others providing services on the School District's behalf~~. Copyrighted materials, whether they are print or non-print, shall not be duplicated without written permission from the copyright holder unless

such reproduction ~~meets~~; satisfactorily considers:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use on the potential market for or value of the copyrighted work.

~~A. "Fair use" standards;~~

V. EXCEPTIONS FOR SHOWING MOVIES OR FILMS IN A NON-PROFIT EDUCATIONAL INSTITUTION

The Educational Exemption is a precise activity which allows the legal use of movies or film in certain types of teaching. The legal use of such media requires adherence to all the following criteria:

1. A teacher or instructor is present;
2. the showing takes place in a classroom setting with only the enrolled students attending;
3. the movie or film is use as an essential part of the core, required curriculum; and
4. the movie or film being used is a legitimately owned copy.

~~B. A specific exception for teaching in a non-profit educational institution; or~~

VI. REPRODUCTION OF COPYRIGHTED MATERIALS

Reproduction of copyrighted materials in a non-profit educational setting must meet at least one of the following criteria:

1. A work is in the public domain;
2. Fair Use for teaching applies;
3. reproduction is done by libraries or archives for publicly available, non-commercial preservation or distribution of the work for research; or
4. written consent is obtained from the copyright holder.

~~C. A specific exception for reproduction by libraries.~~

VII. SCOPE AND LIMITATION ON LIABILITY

All ~~District 656~~ School District employees, students, and others providing services on

~~the School District's behalf~~ are responsible for complying with copyright laws. ~~The administrator of each building is responsible for establishing practices which support this policy for the building which he/she is responsible.~~ Any employee or student with a question regarding whether or not ~~he/she may make a reproduction should contact the~~ the use or reproduction of a copyrighted work is an infringement of copyright or should be considered fair use should contact:

~~District Media Services staff.~~

District Media Specialist or

Director of Educational Technology and Innovation

~~Independent School District No. 656~~ The School District does not sanction illegal ~~duplication~~ reproduction or any other violation of copyright laws. Employees ~~and/or others providing services on the School District's behalf~~ who knowingly and/or willfully disregard ~~the District's copyright policy this policy~~ or ~~otherwise~~ violate copyright laws are in violation of School District policy and assume all liability for such violations, including all legal costs and judgments.

The School District's insurance protection will not extend to employees ~~or others providing services on the School District's behalf~~ who knowingly and/or willfully violate this policy and/or copyright laws. Knowing and/or willful violations may also subject the employee to disciplinary action by the District.

July 29, 1991

Date of Adoption

October 24, 2022

Date of Review and Approval

Legal References:

17 U.S.C. §107 (1992)

17 U.S.C. §108 (2005)

17 U.S.C. §110 (2005)

Policy # 4__ Use of Social Media (Adopted from Centennial School District)

Adopted:

NEW POLICY

Revised: _____

I. PURPOSE

This policy establishes prohibitions and expectations for the use of social media in professional, educational, and personal settings.

II. DEFINITIONS

A-A. Blog: A series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary.

B. Comment: A response to a blog post, news article, social media entry, or other social networking post.

CB. District's Computer System: All hardware and software that is owned by the District, leased by the District, or used by the District pursuant to a license agreement or other type of agreement; all aspects of the District's computer electronic system, including all data stored on that system; the District's internet and Wi-Fi network; and all portable electronic communication devices that are owned by the District, leased by the District, or used by the District or its employees pursuant to an agreement with the provider of the electronic communication device.

DC. Employee: All employees of the District, regardless of whether they are hourly or salaried, and all volunteers of the District while volunteering on District property.

ED. Interaction: An event in which some action is performed on a social media platform. This includes, but is not limited to posts, likes, follows, shares, replies, comments, and messages.

FE. Social Media: A variety of online sources that allow people to communicate, share information, share photos, share videos, share audio, and exchange text and other multimedia files with others through an online or cellular network platform. Examples of social media include, but are not limited to, websites, (blogs), wikis, social networks, online forums, virtual worlds, Facebook, X (Twitter), LinkedIn, TikTok, YouTube, Snapchat, and Instagram and emerging or future social media platforms.

GF. Social Networking: The use of social media formats such as Facebook, YouTube, Snapchat, LinkedIn, X (Twitter), TikTok, message boards or bulletin boards, blogs, and other similarly developed formats, to communicate with others using the same formats while also networking with other users based upon similar interests, geographical location, skills, occupation, ideology, beliefs, etc.

HG. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video, or related forms of communication.

IH. Website: A set of interconnected web pages that are prepared and maintained as a collection of information by a person, group, or organization.

III. ESTABLISHMENT OF DISTRICT SPONSORED SOCIAL MEDIA

A. District May Establish and Regulate Social Media Sites. The District may establish social media sites and accounts for the District and its schools and may monitor and regulate the content of information on its sites and accounts. ~~The district's website is an example of a district social media site.~~ The Superintendent, or its designee, must approve the establishment of all District social media sites and school media sites and guidelines for their use. Use of District sponsored social media shall be overseen by: _____ . Only employees authorized by: _____ may use District sponsored social media.

Commented [A1]: This was removed because it could be confusing.

B. Must Comply with All Applicable Policies and Laws. District social media sites ~~and school social media sites~~ must comply with all applicable laws and District policies. Accordingly, employees who post or otherwise publish data to a District social media site or school social media site must comply with all applicable District policies and all laws, including, but not limited to, copyright laws, privacy laws, and laws governing the use of another person's name, likeness, or other personal attributes.

IV. RULES THAT APPLY AT ALL TIMES (DURING THE DUTY DAY AND OUTSIDE THE DUTY DAY)

A. May Not Speak for the District. The Superintendent is the authorized spokesperson for the District. Without prior written authorization from the Superintendent or the School Board Chair, employees may not use social media ~~during the duty day or outside the duty day~~ to state or imply: (1) that they are speaking for, or on behalf of, the District; (2) that they are authorized to speak for, or on behalf of, the District; or (3) that their views represent the views of the District. ~~Members of the public often have difficulty discerning whether a public employee is speaking as a private citizen or as a public employee. When a reasonable person would question whether an employee is acting as a private citizen or as a public employee, the employee is encouraged to include a disclaimer on the social media site to eliminate any confusion and clarify that the employee is speaking as a private citizen, and not as a district employee, and that the employee's views do not necessarily reflect the views of the district.~~

B. May Not Disclose Private or Confidential Data. Unless authorized by the Superintendent or the School Board, employees may not use social media to post, publish, or otherwise disclose data on students, parents, or employees if the data are classified as private or confidential

under federal or state law. Removing names or otherwise posting “fictional” information about situations that parallel an actual situation involving students, parents, or employees is insufficient if any member of the community could still identify the student or employee. ~~For the same reason, posting or otherwise publishing “fictional” information about situations that parallel an actual situation involving students or employees is prohibited.~~

C. May Not Post Student Photos or Videos. Unless authorized in advance by the Superintendent or the building principal, employees may not post, text, or otherwise publish any photograph, audio, video, or other multimedia file that depicts or identifies a student and was created at school or a school sponsored activity, or that was submitted by or collected from a student at school or a school sponsored activity. This policy applies regardless of the classification of the photograph, audio, or video under the Minnesota Government Data Practices Act.

D. May Not Post Security Data. Employees may not post, text, publish, or otherwise disclose any floor plans or blueprints of District buildings, any emergency response plans, or any other data that, if disclosed, could jeopardize the security or safety of students or staff at school.

E. May Not Post Inappropriate Material. Employees may not use social media to post, make, or otherwise publish any statement, comment, image, picture, audio, or video that: (1) is pornographic; (2) promotes domestic violence; (3) promotes crimes against children; (4) promotes illegal drugs; (5) threatens physical harm to another person; (6) incites violence at school; (7) creates, or could reasonably be predicted to create, a material and substantial disruption to school operations; (8) creates, or could reasonably be predicted to create, an environment that is not conducive to learning; or (9) significantly interferes with the learning of students; or (10) engages in speech in violation of school district policy, ridicules, maligns, disparages, unlawfully discriminates, harasses, or otherwise expresses bias based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age.

Commented [A2]: Discriminatory speech based on protected class would violate school district policy

F. Must Maintain Appropriate Boundaries. All employees, ~~including employees who use social media,~~ must maintain professional boundaries with students. Employees may not engage in communications with students that give the impression of being peer-to-peer communications, unless the employee and student are related. Additionally, employees may not have extensive social involvement or develop personal or private relationships with individual students through social media, unless they are closely related. Such conduct crosses professional boundaries and may lead to an investigation, a report to the Professional Education Licensing and Standards Board or other licensing board, and discipline up to and including discharge, depending on the severity and nature of the conduct. Additionally, public employees must understand that such conduct may result in irreparable harm to their reputation in the community and may significantly impair their ability to work in a school setting.

G. Must Not Violate Any Laws. All employees who use social media must do so in a manner that complies with all applicable federal and state laws, including but not limited to: trademark,

copyright, intellectual property, and other laws governing the publishing of the work of others; privacy laws; laws governing the use of another person's name, likeness, or other personal attributes; defamation laws; laws governing the publication of confidential business information; and criminal laws.

H. Interactions are Retained. Social media interactions by the District and/or its designees on District sponsored social media platforms and accounts are subject to retention pursuant to Minnesota Government Data Practices Act (Minn. Stat. Ch. 13).

I. Interactions Are Public. All interactions on District social media platforms, including those performed by individuals not employed by the District, are considered public record. This includes, but is not limited to likes, follows, shares, comments, replies, messages and the respective interactions for other, and emerging or future, platforms.

J. District Retains the Right to Maintain a Safe, Respectful, and Responsible Social Media Presence. In the event that an interaction from an employee or ~~nonemployee~~ is in violation of any part of Section IV, it must be retained as public record, but may be removed to maintain a safe, respectful, and responsible social media presence at the direction of the Superintendent or its designee. However, no action will be made to prevent an individual, acting as a private citizen, from interacting with the District and others using District sponsored social media platforms.

Commented [A3]: There are no prohibitions in Section IV that apply to nonemployees.

K. Notifications regarding the parts within Section IV will be visible on all school sponsored social media platforms to ensure that employees and members of the public are aware of the expectations and the rights afforded to them.

Commented [A4]: I am not sure this paragraph, or the posting of Section IV on school sponsored social media is necessary. Section IV does not say much regarding nonemployees of the District, other than Paragraphs H and I. All other paragraphs pertain to employee use of social media.

~~CL. No Expectation of Privacy. The Ddistrict routinely monitors and inspects its computer system. Employees who use the Ddistrict's computer system have no expectation of privacy in any data that are stored in or transmitted through the Ddistrict's computer system, including, but not limited to, data showing an employee's use of the Ddistrict's system. Data that are stored in the Ddistrict's computer system are subject to inspection and may also be subject to disclosure under the Minnesota Government Data Practices Act and through the discovery process in litigation.~~

V. USE OF SOCIAL MEDIA DURING THE DUTY DAY

A. Educational Use Permitted for Teachers and Administrators. Teachers and administrators may use the District's computer system to access educationally appropriate social media for legitimate educational purposes, including promoting student learning and implementing the District approved curriculum. Teachers ~~who access social media for legitimate educational purposes must notify the building principal in advance, and~~ must use their school email address or other school contact information to access the social media. When using social media during

Commented [A5]: We have removed this from other social media policies because it is too restrictive.

the duty day for legitimate educational purposes, teachers and administrators must comply with all applicable laws and with all District policies.

B. Personal Use Prohibited. Employees may not engage in personal use of social media during the duty day, unless such use occurs during a duty-free lunch period. With the exception of school administrators and teachers who are using social media for an educational purpose, employees may not use any part of the District's computer system to access social media during the duty day.

~~C. No Expectation of Privacy. The district routinely monitors and inspects its computer system. Employees who use the district's computer system have no expectation of privacy in any data that are stored in or transmitted through the district's computer system, including, but not limited to, data showing an employee's use of the district's system. Data that are stored in the district's computer system are subject to inspection and may also be subject to disclosure under the Minnesota Government Data Practices Act and through the discovery process in litigation.~~

Commented [A6]: I think this fits better in the general rules rather than in the rules related to the duty day.

VI. USE OF SOCIAL MEDIA OUTSIDE THE DUTY DAY

A. May Not Use School Email Address. Employees may not use their District e-mail address or other District information to establish or access a social media site or account outside the duty day.

B. May Not Use District Name or Trademarks. No individual or group may post, display, or otherwise publish on social media the District's name, any District trademark, or any other intellectual property belonging to the District, including any logo, branding, or image that is owned or used by the District or any of its schools without written consent from the Superintendent or its designee. In addition to violating the District's intellectual property rights, the unauthorized use of the District's name or intellectual property can give the false impression that particular interactions are sponsored or endorsed by the District.

~~C. Speech Pursuant to Job Duties Is Not Protected. As a general matter, public employees have a First Amendment right to use social media to express their views on matters of public concern. However, this right is not absolute. When public employees make statements pursuant to their official job duties, they are not speaking as citizens for First Amendment purposes and, therefore, their speech is not constitutionally protected. When employees are speaking pursuant to their official job duties, they must follow their supervisor's directives and the district approved curriculum. Employees may be disciplined for speech that is not protected under the Constitution or a federal or state law.~~

~~D. Speech that Interferes with Efficient Operations Is Prohibited. Even when speech touches on a matter of public concern and is not pursuant to an employee's job duties, an employee's free speech rights must be balanced against the district's right to maintain efficient operations~~

and an environment that is conducive to working and learning. When balancing these rights, the courts have held that a public employee's speech is not protected if it would create disharmony in the workplace, impede the employee's ability to perform his or her job duties, significantly impair the working relationship with other employees who work closely with the speaker, or significantly harm the employer's image. Accordingly, employees may be disciplined for speech that creates disharmony in the workplace, impedes the employee's ability to perform his or her job duties, significantly impairs the working relationship with other employees who work closely with the speaker, or significantly harms the district's image.

Commented [A7]: These paragraphs are merely reflective of the law and are probably not required for that reason. Not to mention, if the law were to change, this would need to be updated.

VII. CONSEQUENCES FOR VIOLATIONS OF POLICY

- A. **Discipline.** Employees who violate this policy may be subject to discipline, up to and including discharge. The level of discipline will depend on the nature and severity of the offense. Any information that employees create, transmit, download, exchange, or discuss through public social media or any public online forum may be accessed by the District at any time without prior notice. Employees should expect that any such information will exist in some electronic form forever, whether on the original site or copied to some other site or memory storage.
- B. **Cooperation with Law Enforcement.** To the greatest extent permitted under the law, the District will cooperate with local, state, and federal authorities involved in investigating employee activity through social media.
- C. **Other Consequences.** Employees who engage in personal use of social media must recognize that the public may have difficulty discerning between private (personal) activity and public (professional) activity. Employees must also recognize the risk of harm to their own reputation and the embarrassment that can occur from engaging in inappropriate or questionable use of social media. Such harm can be long standing, because information published on social media can be widely distributed and easily accessible for a long period of time.
- D. **Good Judgment Expected.** Employees are expected to exercise good judgment when using social media. Employees are also expected to be thoughtful about how they present themselves through social media and the impact that using obscene, profane, or vulgar language may have on their effectiveness as an employee of a public school District.

Legal References:

Garcetti v. Ceballos, 547 U.S. 410 (2006)
Lindke v. Freed, 601 U.S. ____ (2024)
Kinkade v. City of Blue Springs, 64 F.3d 389 (8th Cir. 1995); see also Lewis v. Harrison School District No. 1, 805 F.2d 310 (8th Cir. 1986)
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
17 U.S.C. § 101, et seq. (Copyrights)
20 U.S.C. § 1232g, et seq. (Family Educational Rights and Privacy Act)
20 U.S.C. § 6751, et seq. (Enhancing Education through Technology Act of 2001)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy Act)
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)
Minn. Rules Part 8700.7500 (Code of Ethics for Minnesota Teachers)

Cross Reference:

Policy 403 (Discipline, Suspension and Dismissal of School District Employees)
Policy 406 (Public and Private Personnel Data)
Policy 413 (Harassment and Violence)
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
[Policy 423 Employee/Volunteer-Student Relationships](#)
Policy 505 (Distribution of Non-School Sponsored Materials on School Premises by Students and Employees)
Policy 514 (Bullying Prohibition Policy)
Policy 515 (Protection and Privacy of Pupil Records)
[Policy 524 Internet, Technology, and Cell Phone Acceptable Use and Safety Policy](#)
Policy 525 (Violence Prevention - Applicable to Students and Staff)
Policy 526 (Hazing Prohibition)
Policy 606 (Textbooks and Instructional Materials)
Policy 905 (Advertising)