

Policy Committee Meeting

Monday, May 24, 2021 2:00 PM

Electronic Means, 615 Olof Hanson Drive, Faribault, MN 55021

1. **Call to Order**
2. **Meeting Minutes Review**
3. **Policies to Review from MSBA - None**
4. **Policies to Review for a Second Reading**
 - A. 751 - MSA Library Collections Management
 - B. 752 - MSA Museum Collections Management
 - C. 904 - Distribution of Materials by Non-School Persons
 - D. 906 - Community Notification of Predatory Offenders
5. **Policies to Review Before Revision - None**
6. **Policies to Review Prior to a First Reading - None**
7. **Policies to Review for Reauthorization**
 - A. 208- Development, Adoption, and Implementation of Policies
 - B. 214 - Out of State Travel by School Board Members
 - C. 401 - Equal Employment Opportunity
 - D. 410 - Family and Medical Leave (FMLA)
 - E. 413 - Harassment and Violence
 - F. 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse
 - G. 415 - Mandated Reporting of Maltreatment of Vulnerable Adults
 - H. 440 - Reasonable Accommodations
 - I. 444 - Drivers License and Record Checks
 - J. 451 - Social Media
 - K. 455 - Employee Code of Conduct
 - L. 506 - Student Discipline
 - M. 514 - Bullying Prohibition
 - N. 522 - Student Sex, Gender, Gender Identity Nondiscrimination
 - O. 526 - Hazing Prohibition

- P. 532 - Use of Peace Officer and Crisis Teams to Remove Students with IEPs from School Grounds
- Q. 616- School District System Accountability

8. **Adjourn**

Minutes of Policy Committee Meeting Minnesota State Academies Board

A Policy Committee Meeting of the Minnesota State Academies Board was held Tuesday, April 13, 2021 beginning at 2:15pm via Zoom video Meeting.

Present: Marty Duncan; Board Member, Terry Wilding; Superintendent, Bridget Buckingham; HR Director, Jody Olson; MSAD Assistant Director

Absent: Board Member Jamie Speier

1. Call to Order

2:15 pm

2. Review Meeting Minutes

- a. March 8, 2021 Meeting Minutes - Approved

3. Policies to Review from MSBA: None

4. Policies to Review for a Second Reading: None

5. Policies to Prior to a First Reading

- a. Policy 751 – MSA Library Collections Management:

Section V subsection f was discussed, and Terry will clarify the language before submission for 1st reading.

Good to move to the board for 1st reading and site councils.

- b. Policy 904 - Distribution of materials by non-school persons:

Terry will fix 4B wording, then move it forward to the board for 1st reading and site councils.

- c. Policy 906 – Community Notification of Predatory Offenders:

Good to move to the board for 1st reading and site councils.

6. Policies to Review for Reauthorization:

All of the following policies are good to move forward to next board meeting.

- a. Policy 404 – Criminal History Background Check:

- b. Policy 412 – Employee Reimbursement
- c. Policy 501 – School Weapons Prohibition
- d. Policy 502 – Search of Student Lockers
- e. Policy 515 – Protection and Privacy of Pupil Records
- f. Policy 518 – DNR-DNI Orders
- g. Policy 520 – Research and Student Surveys
- h. Policy 521 – Student Disability Non-Discrimination
- i. Policy 526 - Hazing Prohibition

7. Board Procedures to Review Prior to Board Approval – none

Next meeting will start at 2:15pm

8. Adjourn – 2:39pm

Policy #: 751
Title: MSA LIBRARY COLLECTIONS MANAGEMENT
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Campus Directors; MSA Director of Student Support Services; MSA Librarian; MSA Library Committee

I. PURPOSE

The purpose of this policy is to act as a guide for Minnesota State Academies (MSA) libraries, primarily the MSAD student library, the MSA curriculum/resource library, and other resources within the library software system, to assign responsibilities and develop strategies that foster literacy development at MSA, and to ensure school community participation in decisions regarding selection, purchase, and as needed, removal of library books, resources, media, and materials. Other libraries may be added to the scope of this policy as determined by the MSA Library Committee (i.e., curriculum libraries, subject-specific libraries). This policy does not include the Minnesota Resource Libraries' collection (refer to MSA Policy #750).

II. MISSION STATEMENT OF THE MSA LIBRARIES

The mission of the MSA libraries is to foster language development and growth within a supportive learning environment that includes all aspects of informational resources in multiple formats and accessibility. Through culturally responsive material, the MSA libraries encourage students to become critical thinkers, innovative learners, and lifelong readers.

III. GENERAL STATEMENT OF POLICY.

The MSA board recognizes that MSA libraries are a vital component of student success. The MSA board also assigns the responsibility of selection, purchase, and removal of library books, resources, media, and materials to the MSA Library Committee.

The MSA Libraries have five primary roles:

1. Deliver current, accessible materials of high interest in a variety of formats for students of all ages and their families.
2. Maintain collaboration between library staff and educational staff by providing timely, accurate information and instruction.
3. Maximize use of resources which are technologically advanced to foster language development and academic growth.
4. Provide access to learning for students by promoting enjoyment of reading, curiosity for information, and space for innovation.
5. Collaborate with the Minnesota Resource Libraries and other agencies to obtain resources for students and staff.

IV. DEFINITIONS

A. MSA Library Committee - composed of librarian(s), one administrator, and at least one educational staff member. The committee will invite additional participants as needed to reflect the current library needs (i.e., elementary teachers for purchasing elementary level books). The committee will meet once a month. The Library

Committee members, other than the librarian, will serve a two-year term for consistency purposes.

- B. Materials** - print and non-print items that are available for teachers, educational staff, and students and their families. This includes materials such as classroom book sets, supplemental resources, and magazine subscriptions (i.e. Scholastic Weekly Reader).
- C. Curriculum and Related Materials** – print and non-print items related to classroom curriculum content (i.e., textbooks, workbooks, supplemental books, videos)
Note: The Library Committee is not responsible for the curriculum or assessment selection process as that is managed by the School Accountability Committee (MSA Policy #616).
- D. Digital Media** – digital files and resources, including DVD, CDs, or any pre-recorded materials available to the public via the Library database and MSA-approved website(s).
- E. Multiple formats** – Resources and activities that the library provides should be available in multiple formats, including but not limited to: print and non- print materials, Braille, digital media, read aloud groups, family activities, and group & independent reading.
- F. Resources** – Resources other than books, printed material, or media which support technology-related skill development, including but not limited to 3-D printing, ASL lab, interactive monitors/panels, interactive tables, video editing programs, projectors, Visio books, Braille readers, eBooks, makerspace, and similar equipment/tools.

V. **SELECTION CRITERIA FOR LIBRARY MATERIALS**

The Library Committee is responsible for the review, evaluation, and selection of materials for the school library collection. Decisions made by the committee will be guided by the philosophy and criteria set forth in this policy. The committee works cooperatively with administrators and educational staff to provide resources that represent diverse points of view, stimulate growth in language and critical thinking skills, and promote the overall educational program. The collection of library materials is developed to meet both curricular and individual needs. To ensure that these needs are met, the committee is responsible for the application of selection criteria and use of recommended selection tools. All purchases, including gifts and donations, should meet the same selection standards.

The selection criteria below reflect the MSA libraries mission statement and supports the principles of intellectual freedom described in the Library Bills of Rights (ALA), Students' Right to Read (NCTE), and other position statements on intellectual freedom from the American Library Association and the American Association of School Libraries. The following is the book selection criteria:

- A. Appropriate for students with diverse needs:** Library materials and media should be provided to meet curricular needs and the individual needs, interests, and learning

styles of all students at all levels. Materials will be made accessible as much as possible for students as required by MSA Policy #121.

- B. Appropriate for recommended levels:** Library materials and media should be accessible to students of varied abilities and meet informational and interest needs of all students.
- C. Appropriate format to effectively teach the curriculum:** Library materials and media should be available in a variety of formats, e.g. print, nonprint, electronic, multimedia, to meet the needs and learning styles of a diverse student population.
- D. Accurate in terms of content:** Library materials and media should present facts in an objective manner. Authority of the author, organization, publisher/producer should be a consideration in selection.
- E. Cost effective in terms of use:** Library materials and media should be evaluated for cost effectiveness in terms of accessibility, projected use, and durability.
- F. Free of bias and stereotypes:** Library materials and media should reflect the basic humanity of all people and be free of stereotypes, caricatures, distorted dialect, sexual bias, and other offensive characteristics. Library materials and media concerning religious, social, and political content should inform rather than indoctrinate. Anti-bias and anti-racism principles will be utilized when ordering materials and media to ensure support for the diverse backgrounds of our students.
- G. Pertinent to the curriculum and the objectives of the instructional program:** Library materials and media should reflect the curriculum utilized by MSA and support the objectives of MSA's instructional programs. Materials and media should be purchased to support learning that is happening within MSA classrooms.
- H. Recent copyright date as appropriate to the subject:** Library materials and media should be assessed for currency and relevance of the information as it relates to the content and purpose of the item.
- I. Reflective of the pluralistic nature of a global society:** Library materials and media should provide a global perspective and promote diversity as a positive attribute of our society. It is important to include materials by authors and illustrators of all cultures.
- J. Representative of differing viewpoints on controversial subjects:** Students have the right to information on both sides of a controversial issue. By having access to a variety of resources, students will have the knowledge base to develop critical thinking and problem-solving skills. The school library must provide free and equitable access to all information.

VI. SELECTION TOOLS

The Library Committee will consider recommendations from teachers, students, and parents. Communication with teachers to assess curriculum needs and recommendations for purchase is an important part of the selection process. Suggestions

from students and parents are crucial to the selection process as well. The following professional resources are available to assist the Library Committee in the selection process; however, selection is not limited to the use of these tools.

- Booklist
- School Library Journal
- Horn Book
- Book Wire
- Caldecott Medal Home Page
- Coretta Scott King Award Home
- Junior Library Guild
- Newbery Medal Home Page
- Pura Belpre Award Homepage
- Voice of Youth Advocates (VOYA)
- MultiCultural Review
- Publishers Weekly
- Children's Literature Review
- Library Media Connection

VII. PURCHASE PROCESS

The Library Committee will follow MSA policies and procedures for all purchases. The librarian will work with our business office to determine the best vendors and costs to acquire materials and media that are selected by the committee.

VIII. GIFTS AND DONATIONS

Aligned with MMB Statewide Operating Procedure 602-12 (Gift Acceptance), members of the school community are encouraged to support the mission of the MSA libraries through gifts in the form of materials or financial support. Monetary gifts are welcome and will be used to enhance programs and services. Items not added to the collection are recycled or donated to other organizations. The MSA librarian will ensure that all gifts and donations are acknowledged and approved by the MSA board, following established procedures.

NON-CASH GIFTS AND DONATIONS: Gifts of books and/or other materials are gratefully accepted with the understanding that the Library Committee has the final authority to approve materials that will be added to the library collection. The MSA libraries will not accept items that are obsolete, unauthorized, and/or otherwise not needed. Please consult with the MSA librarian prior to any donations.

- **HOW TO DONATE**
 - All donations must be arranged in advance with the MSA librarian. Donations must be in good condition and delivered in boxes. Donations that are not in acceptable condition as determined by the MSA librarian will not be returned to the donor and will be donated, recycled, or discarded.
 - Checks for monetary gifts to the library should be made out to the Minnesota State Academies with the memo listing the MSA Libraries.

IX. INVENTORY PROCEDURE

1. Reviewing Library Materials

The Minnesota State Academies Libraries recognize the importance of maintaining a collection of relevant, accurate, and useful materials. A good collection development plan must include reviewing inventory and determining items to be removed. This process is a key part of assessing the collection. The following guidelines have been developed to help in the review/removal process; however, the final decision concerning the removal or replacement of materials rests with the Library Committee.

B. Guidelines

The Library Committee will attempt to re-introduce unused/unpopular books that have not been checked out for a long time into a special exhibit to try to garner interest. If certain books have not been checked out for a lengthy period of time, the librarian will remove the books from circulation and go through the review/removal process. To determine which library materials should be removed, the Library Committee will make decisions based on the following guidelines:

- Are they in poor physical condition?
- Are they outdated in content, use, or accuracy?
- Are they poor in quality?
- Are they biased or portray stereotypes?
- Are they inappropriate in reading level?
- Do they duplicate information no longer in heavy demand?
- Are they not compatible with general selection criteria?

C. Removing Library Materials

Withdrawn materials may be distributed to classrooms (only if appropriate), recycled, donated, or discarded.

D. Materials/equipment other than books and curriculum resources

Library inventory systems may be utilized to inventory materials/equipment other than books and curriculum resources. (i.e., technology accessories; adaptive equipment; etc.) Decisions about use of library inventory systems will be reviewed by MSA's Instructional Leadership Team.

V. RECONSIDERATION OF MATERIALS

The MSA Libraries abide by the philosophy expressed in the American Library Association's Library Bill of Rights and the American Association of School Librarians' School Library Bill of Rights for School Library Media Programs.

If a requested purchase is declined by the librarian's supervisor for reasons other than financial constraints, the Library Committee may review the reasons given, and if appropriate/desired, appeal the decision to the superintendent's office. This appeal should be in written form and include reasons for the appeal. A copy of the reasons given for the declined purchase should also accompany this request. The superintendent's office will respond within 5 working days.

Declined purchases will be kept on record in the library for future reference and utilized in response to future requests for the same item.

The Library Committee also recognizes that materials or media selected for the MSA Libraries may be challenged or questioned, despite the care taken in selecting them. Complaints about materials or media purchased by the MSA libraries should be made to the librarian and brought to the MSA Library Committee for review and response.

Legal References:

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

Cross References:

TSD Model Policy (Library Collection Development Procedures)

American Library Association. (October 2008). Workbook for selection policy writing.

<http://www.ala.org/Template.cfm?Section=dealing&Template/ContentManagement/ContentDisplay.cfm&ContentID=11173> (Accessed May 12, 2020)

Berkeley Public Library. (May 2017). Donations Policy. <http://www.berkeleypl.org/policies/donations> (Accessed May 12, 2020)

Terrebonne Parish Library. (August 19, 1999). Library policies. <http://mytpl.org/library-policies/> (Accessed May 12, 2020).

University Laboratory High School Library. (2014). Collection development.

<https://www.library.illinois.edu/uni/policies/collectiondevelopment/> (Accessed May 12, 2020).

Policy #: 752
Title: MSA MUSEUMS COLLECTIONS MANAGEMENT
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Museum Steering Committee

I. PURPOSE

The purpose of this policy is to establish a clear statement of the purpose and responsibilities of the Minnesota State Academies (MSA) Museums (one for each academy).

II. GENERAL STATEMENT OF THE MUSEUMS' MISSION.

The Minnesota State Academies believes that historical artifacts, stories, and research information that is compiled in our museums serve a vital role in supporting the mission of the academies. In support of ensuring access to historical information about our academies, the mission of our museums is to:

1. Collect and preserve historical materials, including artifacts, documents, books, manuscripts, paintings, photos, video and audio recordings, DVDs, CDs, digital media, and materials pertaining to MSA and its students and staff.
2. Interpret these materials and make them accessible for the education, programming, outreach, and enjoyment of the MSA students, staff, and general public through exhibitions and programs.
3. Provide for the dissemination of information pertaining to deaf education, blind/visually impaired education and local historical topics directly impacting the Minnesota State Academies.
4. Maintain and operate the MSAB/MSAD museums and their collections as well as supervise archived collections.
5. Encourage inquiry into areas of local and regional historical significance and the history of education for deaf/hard-of-hearing; deafblind; and blind/visually impaired students.
6. Emphasize materials related to the schools' rich history.

III. DEFINITIONS

Museum Steering Committee: This committee oversees policies, broad decision making, and guidelines for both museums. This committee is also responsible for reports to the MSA Board. (See Section IV below for the composition of this committee.)

Site-Specific Committees: Each museum will have a site-specific committee responsible for the daily operations of the museum (i.e., displays, tours, scanning/uploading documents & photographs, inventory updates, and so forth).

Currently, the MSAB museum utilizes a History Committee for this purpose while the MSAD museum is operated by the MSAD Alumni Association Bahl Museum Committee.

IV. MUSEUM STEERING COMMITTEE

The museums will be overseen by the museum steering committee composed of at least 5 individuals appointed by the superintendent. The committee shall have at least one

employee representative from each campus, one alumni member designated by each campus' alumni association, and one employee representative from Student Support Services/Shared Services. The steering committee will elect a chair annually. The superintendent shall be an ex-officio member of this committee and tasked with the responsibility of sharing information with the MSA Board.

The steering committee shall meet at least quarterly. At the end of each school year, the committee shall meet to elect a chair, compile an annual report for the board, and develop goals for the following school year. The steering committee is also responsible for development of procedures to ensure the smooth operation of the museums, including acquisitions, archives, digitalization of our resources, and so forth. The steering committee is responsible for sharing information, resources, and support across campuses for both museums.

The Museum Steering Committee will utilize site-specific committees for each campus' museum to complete tasks and goals specific to that campus' museum. Involvement of staff members, alumni, and/or students is strongly encouraged.

V. COLLECTIONS MANAGEMENT

The Museums' collections are organized and managed as follows:

Permanent Collection

The Museums' Permanent Collection is composed of material relating to the social, cultural, and educational history of the Minnesota State Academies. The Permanent Collection consists of three-dimensional objects/artifacts and digital collections (whenever available) of a permanent, on-going value to Minnesota State Academies, Deaf and B/VI education history and those doing research on the same. Historical materials may be utilized for teaching aids and for programming, outreach, and special interpretive events upon approval of the museum steering committee. Whenever possible, reproductions or other substitutes should be used rather than original artifacts.

Digital Collection

The Digital Collection is composed of digital copies of pictures, audio/visual material, brochures, pamphlets, research papers, and various miscellaneous materials that, whenever made available, will be accessible to individuals interested in accessing our materials.

Collections Scope

MSA acknowledges it cannot and should not attempt to collect everything, and will actively collect using the following guidelines and considerations:

Collecting Priorities

MSA will collect items related to the following specific themes and topics:

1. The interpretation of everyday life, from the earliest times to the present, at the Minnesota State Academies and its provision of Deaf Education and Blind/Visually Impaired Education. These might include, but are not limited to:

- household objects, furniture, clothing, tools, written information on individuals, prominent and otherwise.
2. The history on the day-to-day operations of MSA, its educational services, and the lives of students and staff.

Preservation and Conservation Considerations

MSA holds its collections as a public trust and as such has an obligation to maintain the artifacts in its possession according to accepted professional standards. Decisions made by the Museum Steering Committee regarding criteria for collecting/acquiring/accessioning as well as deaccessioning must be made in accordance with the best interest and well-being of the individual artifact. The Museum Steering Committee may designate individuals responsible to complete accessioning and deaccessioning tasks.

The Museum Steering Committee oversees MSA's collections and is responsible for supporting site-specific committees with their day-to-day management, including care, storage, and use. The Museum Steering Committee, site-specific committees, and other MSA staff, including volunteers, will employ the established accepted standards and guidelines regarding collections management.

Acquisitions

Definition: For the purposes of this policy, "acquisition" is hereby defined as the discovery, evaluation, acknowledgement, and receipt of artifacts, as well as securing physical and legal custody of said artifacts.

Mechanism and Criteria

MSA accepts acquisitions to its museum collections through donations, bequests, field collecting, abandonment, or other transactions for which title to the object passes to the museum. MSA-owned artifacts (i.e., Companion/Chronicles Issues, furniture, athletic uniforms, etc.) will follow the same procedures as donated artifacts except for the sections regarding ownership and provenance. Potential acquisitions must meet ALL of the following criteria before being accepted into the MSA's collections after the implementation date of this Collections Management Policy:

- The present owner must have clear title of ownership.
- The provenance and history of the artifact(s) must be determined to the extent possible.
- The artifact's significance and relevance must be determined.
- The artifact(s) must fall within the MSA's collecting scope and objectives.
- MSA must be able to provide for the storage, protection, and preservation of the item(s) to ensure the availability for MSA's collecting scope and objectives.
- The artifact(s) must be in acceptable physical condition.
- All donations will be considered outright and unconditional gifts to be used at the discretion of the MSA.
- Artifacts will remain in the MSA's collections as long as their physical integrity, their identity, and their authenticity is intact, and for as long as they remain useful for the purposes of the museum.

- All legal, moral, and ethical implications of an acquisition must be considered prior to its acceptance into collections.

Donations

All donations accepted will follow the MSA donations procedures (record keeping and acknowledgment of receipt).

All potential donors must hold free and clear title to any materials they wish to donate. Donors pursuing income tax deductions for their donations must obtain an independent authorized appraiser and record of such appraisals will be kept by MSA in accordance with MSA's records retention schedule. MSA museum steering committee members, volunteers and MSA staff members are prohibited from offering appraisals of potential donations.

MSA is under no obligation to accept donations "on the spot." MSA may hold an object or collection (circumstances permitting) temporarily until a decision is made. Such material in the care of the MSA will be temporarily identified and cared for in the same manner as permanent collections. Donors are encouraged to contact the Museum Steering Committee prior to making any donations to assist in streamlining the process, especially if the donation involves larger artifacts that require transportation/storage.

All material not accepted into the MSA collections will be returned, intact, to the donor unless the donor specifically states that they do not want the items back. The MSA will notify the donor utilizing contact information on the donation form, whereupon the donor will have thirty days to reclaim the materials. Items left after thirty days will be disposed of at MSA's discretion.

Potential donations will be considered for the MSA's Permanent Collection or archives first. Material not accepted into the Permanent Collection will then be considered for educational activities related to the museum and/or school history. Items not accepted into our collections or resources may be designated for exchange, loan, or sale to benefit historical collections elsewhere.

Accessions and Deaccessions

Accessions - The formal process of accepting object(s) into the MSA collections is hereby termed "accessioning". The museum steering committee has primary responsibility for completing and maintaining all necessary paperwork and for the care and storage of all accessions.

Deaccessions - The formal process of removing accessioned materials permanently from MSA's collections is termed "deaccessioning" and deaccessioning must be done with extreme care and sensitivity and only under certain limited conditions. The Museum Steering Committee shall establish procedures for deaccessions that are clearly stated and accessible to the public. Such action shall be cautious, deliberate, and scrupulous and considered only for an item that meets one or more of the following criteria:

- It is no longer relevant and useful to the stated purposes of MSA.
- It is void of inherent exhibition, research, or educational value.
- It cannot be properly stored, preserved, or used by MSA.
- It no longer retains its physical integrity, identity, or authenticity.
- It is unnecessarily duplicated in the collection.
- It is non-historical material accessioned in error.
- It was accidentally accessioned twice.
- It has been lost or stolen and remains lost for over a year.
- It presents a threat to the health, safety, or well-being of the MSA staff, volunteers, patrons, or other collections held by the Museum.

Loans, Exhibitions, and Relocations

The MSA museums may occasionally determine that it is appropriate to allow lending of objects from its collections and/or the borrowing of objects from other collections for specific purposes. The basic authority to make loans resides with the Museum Steering Committee. All loan requests (with the exception of those for photographs, see below) are to be submitted for committee approval and a designee will be appointed to be responsible for the negotiation and tracking of all loans, and management of all necessary paperwork. Requests by MSA staff or volunteers for incoming or outgoing loans should be made to the committee. The committee will develop procedures to ensure the preservation of all items within loans or exhibitions as listed below.

Incoming Exhibitions

From time to time, as determined by the Museum Steering Committee, MSA may accept traveling exhibits. The committee will work with MSA administrators for all arrangements, negotiations, and contracting for such exhibits.

Outgoing Loans

MSA may allow artifacts and material from its collections to be loaned to other museums, historic sites, or historical agencies in good standing for educational, interpretive, exhibit, or scholarly purposes. Non-museum borrowers (government agencies, schools, corporations, or businesses, etc.) may utilize MSA's collections for educational purposes only. Use of borrowed artifacts for private or decorative purposes is prohibited. MSA will not authorize any loans to individuals including employees, volunteers, committee members, or officers of MSA. *Photographs in our archives will not be authorized for loans – only digital copies may be loaned/distributed for use outside of our archives.* Those individuals wishing to view stored pieces in the collections may make an appointment through the steering committee.

Only artifacts and material to which MSA holds clear title and for which there are no special restrictions may be considered for loan.

Temporary Loans of Items from Educational or Research Collections

If a member of the staff, a volunteer, or a committee member is making an educational presentation outside of the museum, that person shall sign a temporary loan agreement for materials borrowed from the MSA museums. Any item(s) to be borrowed from the Permanent Collection require prior approval of their use by the Museum Steering Committee and the execution of a temporary loan agreement for the material(s) borrowed. The loan shall be for a period no longer than 72 hours unless otherwise negotiated.

Temporary Relocation of Collections for Preservation, Conservation or Access Reasons

If an object in the collections must be relocated offsite for preservation, conservation, or access (i.e., digitization) purposes, a written and signed agreement must be made between both parties. This agreement must include a description of the object and the length of time the object will be outside of MSA's control.

VI. CARE AND USE OF COLLECTIONS

MSA is ethically bound to care for and preserve its collections. MSA is committed to providing proper storage areas in which to house collections, maintaining appropriate environmental controls within its facilities, and administering conservation efforts when necessary. The goal is to retard and/or stabilize the inherent aging and deterioration process of collections, and all accepted professional museum standards will be employed to the best of MSA's ability.

The Museum Steering Committee, MSA staff, and volunteers must make every effort to protect collections items to ensure their long-term preservation while making them available for the use and enjoyment of the public. To this end, it should be noted that:

1. Printed, manuscript, photographic, audio, and moving-image items in MSA collections may be reproduced as provided under the fair-use provision of the United States copyright law. MSA may refuse to permit the copying of a collections item if, in its judgement, such reproduction would violate the copyright law, violate the donor agreement, or pose a threat to the physical integrity of the item.
2. Publication, exhibition, or other use of an item from MSA collections requires written permission from the Museum Steering Committee and this permission is required whether or not MSA is the copyright holder. Permission also may be required from the copyright holder. Publication/exhibition of items from MSA museum collections must be accompanied with a statement crediting the ownership to the MSA museums.
3. Any reproduction of a collections item must be approved by the Museum Steering Committee. Any reproduction or replication of an item must be clearly identified as such.

Records

MSA, to the best of its ability, will establish and maintain proper collections records for all artifacts in its collections according to professional museum standards. These include, but are not limited to, accessions, donors, catalogs, provenance, locations, conservation, loans, and exhibit records. The Museum Steering Committee is responsible for all collections records. Access to collections records is strictly limited to MSA staff and the committee members.

Inventory

Under the direction of the Museum Steering Committee, MSA will initiate an inventory of its collections in the museums and will regularly update this inventory for its collections management purposes, security, verification of missing artifacts, and maintenance. The Museum Steering Committee and authorized volunteers may, as needed, conduct a full-scale inventory to verify the contents of the MSA Museum Collections. A master collections inventory will be placed on a computer database and updated as subsequent inventories are conducted. Back-up copies will be stored in separate locations. It is also recommended that the initial inventory and each periodic update be printed and stored in a secure location. Also, it is recommended that a photographic record of all items be made, with one copy to be kept on file.

Security

MSA will take all necessary precautions to ensure the security of its collections and prevent their loss or damage while on exhibit, during research use, or in storage. MSA will examine the security needs and risks for all objects under consideration for accession and make adjustments or accommodations where possible. Artifact use for exhibit, research, education, or loan is contingent upon a thorough evaluation of its security risks and needs, and the ability of MSA to accommodate those needs.

VII. DIGITAL COLLECTIONS

Definitions

- Born digital materials were originally created in a digital form. These include programs, websites, databases, photographs, videos, audio recordings, records, documents, emails, maps, etc.
- Born analog materials were originally created in a physical or negative form. These include photographs, videos, audio recordings, records, archives, letters, documents, maps, etc.
- Digitized materials are digital copies of analog materials, usually created through scanning or photographing the analog material.
- Migration is the transfer of digital materials from one format to another to prevent obsolescence.

Scope

MSA born digital collections shall include programs, websites, databases, photographs, videos, audio recordings, documents, emails, maps, and other materials that fall within the general scope of collections as listed above. The donor, if not produced at MSA, of the materials must hold the copyright on the born digital materials in question, just as donors of analog materials must have title to them. MSA-produced materials may be transferred to the MSA museums without concerns regarding copyrights.

As a general rule, MSA will not accept digitized copies of analog materials created by external sources (i.e., scanned copies of newspaper articles, copies of photographs taken by individuals outside of MSA) into the Permanent Collection, as copyright remains with the creator of the original analog material. It is preferred that the original analog materials be donated to the museum with the permission of the creator. The Museum Steering

Committee may make an exception to this rule if the analog original image is unlikely to be donated to the museum at a later date (i.e., analog materials developed by individuals who are deceased, or materials developed by unknown individuals) with the understanding that copyright does not lie with MSA.

Copyright Acquisition of born digital materials is dependent on the transfer of copyright to MSA. Donors must transfer nonexclusive rights to reproduce, distribute, display, perform, and prepare derivative works of the born digital work. MSA will not accept donations of born digital materials that do not come with a sharing of copyright.

Digitization

Analog materials that have been temporarily entrusted or donated to MSA may be digitized for MSA's use with permission from the creator. These digitized copies will be treated as part of the Digital Collection, with copyright remaining with the creator of the materials.

Parts of the Permanent, Educational, or Research Collections of MSA that have been digitized will be considered part of the same collection as the original material. Copyright of the digitized materials will remain with MSA if it has title and ownership of the source material.

Storage

Born digital portions of the collections will be stored on MSA servers/hard drives with at least one back-up stored off the premises (i.e., Cloud Storage). Newly acquired collections must be moved into those designated storage sites as soon as time permits. A new back-up will be completed on a semi-annual basis.

VIII. ETHICAL CONSIDERATIONS REGARDING MSA MUSEUM COLLECTIONS

As stewards of the material history and culture of MSA, MSA has an obligation and responsibility to maintain the highest ethical standards and avoid even the appearance of impropriety. Because of their unique positions with regard to collections, MSA staff, volunteers, and Museum Steering Committee members are especially vulnerable to questions of ethical conduct and/or conflict of interest. Therefore, it is necessary that all of the MSA employees, volunteers, and committee members observe certain restrictions on activities that might compete with or discredit MSA, and it is incumbent upon MSA to inform them of its collecting goals and of the potential for conflict of interest.

The following provisions further list ethical best practices with regards to collections:

1. No MSA staff member, volunteer, or Museum Steering Committee member will engage in appraising objects acquired by the Museum.
2. MSA staff members, volunteers and Museum Steering Committee members may not recommend an appraiser to donors.
3. MSA staff members, volunteers, and Museum Steering Committee members are prohibited from purchasing objects deaccessioned/divested by the Museum except through public auction or MSA-approved procedures.
4. MSA staff members, volunteers, and Museum Steering Committee members are prohibited from borrowing money or collections items from MSA museums, nor shall

- they use its personnel, equipment, supplies, good will, or other resources for their personal purposes, other than as allowed to all members of the MSA community.
5. MSA staff members, volunteers, and Museum Steering Committee members are prohibited from using their MSA affiliation to promote their own or any family member's personal collecting or business activities.
 6. Consistent with its mission, the MSA museums may consider for acquisition any material that has a documented association with the history of MSA and is in such condition that it can be maintained properly. In its collecting activities, the MSA museums shall strive to be inclusive, respectful, transparent, and in keeping with the best professional practices, especially with culturally sensitive and sacred objects, documentation, and religious practices of all cultures. The Collections Management Policy shall govern the acquisition, use, loan, conservation, de-accession, and disposal of all collections.
 7. As steward of MSA's heritage, the MSA museums are committed to making their collections as accessible as possible to all people while ensuring their safekeeping and preservation. In providing access to collections, MSA shall balance the need to respect their continued physical integrity and safety for future use and the current requirements of scholarly, programmatic, or educational uses.
 8. Museum Steering Committee members and staff members considering the acquisition of an historically significant item that may be within MSA's collecting goals should bring the intended purchase to the attention of the Museum Steering Committee in a timely manner to determine whether or not the MSA museums would be interested in acquiring the item for their collections. If the MSA museums do not intend to acquire the item, the individual may then proceed with their individual purchase.

Policy #: 904
Title: DISTRIBUTION OF MATERIALS AT MSA BY NON-SCHOOL PERSONS
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Instructional Leadership Team

I. PURPOSE

The purpose of this policy is to provide for distribution of materials appropriate to the school setting by individuals who are not employees or students (non-school persons) at the Minnesota State Academies (MSA) on MSA property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of MSA.

II. GENERAL STATEMENT OF POLICY

- A. MSA intends to provide a method for individuals who are not employees or students at the Minnesota State Academies (MSA) and non-school organizations to distribute materials appropriate to the school setting within the limitations and provisions of this policy.
- B. To provide for orderly and nondisruptive distribution of materials, the MSA board adopts the following regulations and procedures.

III. DEFINITIONS

- A. **“Distribution”** means circulation or dissemination of materials by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting, or displaying materials, or placing materials in internal staff or student mailboxes.
- B. **“Materials”** includes all materials and objects intended by non-school persons or non-school organizations for distribution. Examples of non-school-sponsored materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, employees or others, and tangible objects.
- C. **“Non-school person”** means any person who is not currently enrolled as a student in or employed by the MSA.
- D. **“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, and lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

E. **“Minor”** means any person under the age of eighteen (18).

F. **“Material and substantial disruption”** of a normal school activity means:

1. Where the normal school activity is an educational program of MSA 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 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 the expression to be considered disruptive, specific facts must exist 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.

G. **“School activities”** means any activity sponsored by MSA 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, other theatrical productions, and in-school lunch periods.

H. **“Libelous”** is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower them in the esteem of the community.

IV. GUIDELINES

A. Non-school persons and organizations may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, materials and objects which are appropriate to the school setting.

- B. Requests for distribution of materials will be reviewed by the campus directors on a case-by-case basis. However, distribution of the following materials is always prohibited. Prohibited materials include those that:
1. are obscene to minors;
 2. are libelous;
 3. are pervasively indecent or vulgar or contain any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
 4. advertise any product or service not permitted to minors by law;
 5. advocate violence or other illegal conduct;
 6. constitute insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion, or ethnic origin);
 7. present a clear and present likelihood that, (either because of its content or the manner of distribution), it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, or will cause the commission of unlawful acts or the violation of lawful school regulations.
- C. Permission for non-school persons to distribute materials on MSA property is a privilege and not a right. In making decisions regarding permission for such distribution, the campus directors will consider factors including, but not limited to, the following:
1. whether the material is educationally related;
 2. the extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;
 3. whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in the buildings or campuses;
 4. the quantity or size of materials to be distributed;
 5. whether distribution would require assignment of MSA staff, use of MSA equipment, or other resources;
 6. whether distribution would require that non-school persons be present on the MSA campuses;
 7. whether the materials are a solicitation for goods or services not requested by the recipients.

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

If permission is granted pursuant to this policy for the distribution of any materials, the time, place, and manner of distribution will be solely within the discretion of the campus directors, consistent with the provisions of this policy.

The campus directors will establish dates that the materials can be distributed and/or posted and any materials left after those dates will be discarded.

VI. PROCEDURES

- A. Any non-school person wishing to distribute materials must first submit for approval a copy of the materials to the campus director at least five days in advance of desired distribution time, together with the following information:
 1. Name and contact information of the person submitting the request.
 2. Date(s) and time(s) of day of requested distribution.
 3. If material is intended for students, the grade(s) of students to whom the distribution is intended.
 4. The proposed method of distribution.
- B. The campus director will review the request and render a decision within 48 hours. The campus director will assign a location and method of distribution and will inform the persons submitting the request whether non-school persons may be present to distribute the materials. The campus director will also determine the end-date of the distribution (i.e., date when flyers will be taken off bulletin boards). If permission to distribute the materials is denied or limited, the person submitting the request will be informed of the reasons for the denial or limitation.
- C. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of MSA, the MSA board, or the individual reviewing the material submitted.
- D. If permission to distribute materials is denied, the non-school person or organization may request reconsideration of the decision through the superintendent. The request for reconsideration must be in writing and must set forth the reasons why distribution is desirable and in the interest of the school community. The superintendent will respond within 48 hours of the request for reconsideration.
- E. Additional procedures or guidelines relevant to this policy may be developed by the MSA administration and will be posted on the MSA website.

VII. VIOLATION OF POLICY

Any party violating this policy or distributing materials without permission will be directed to leave the school property immediately and, if necessary, the police will be called. Materials left on campus without permission will be immediately discarded.

Legal References:

U. S. Const., amend. I

Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

Doe v. South Iron R-1 School District, 498 F.3d 878 (8th Cir. 2007)

Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)

POLICY #904
MINNESOTA STATE ACADEMIES

Cornelius v. NAACP Legal Defense and Educational Fund, Inc., 473 U.S. 788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985)

Perry Education Assn v. Perry Local Educators' Assn, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983)

Roark v. South Iron R-1 School Dist., 573 F.3d 556 (8th Cir. 2009)

Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)

Cross References:

MSBA/MASA Model Policy 505 (*Distribution of Non-school-Sponsored Materials on School Premises by Students and Employees*)

MSBA/MASA Model Policy 512 (*School-Sponsored Student Publications*)

Policy #: 906
Title: COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Instructional Leadership Team

I. PURPOSE

The purpose of this policy is to assist Minnesota State Academies (MSA) administrators and employees in responding to a notification by a law enforcement agency that a convicted predatory offender is moving into the community so that they may better protect individuals in the school's care while they are on or near MSA premises or under the control of MSA.

II. GENERAL STATEMENT OF POLICY

- A. The policy of MSA is to provide information to staff regarding known predatory offenders that are moving into the community so that they may monitor school premises for the safety of the school, its students, and employees. Employees will be notified as appropriate and have access to Offender Fact Sheets.
- B. MSA will provide safety information and resources for distribution to students regarding protecting themselves from abuse, abduction, or exploitation. MSA administrators may ask local law enforcement officials for assistance in providing instruction to employees and students.

III. DEFINITIONS

- A. The "**Sex Offender Community Notification Act**," (*Minn. Stat. § 244.052*) as amended, allows law enforcement agencies to disclose information about certain predatory offenders when they are released into the community. The information disclosed and to whom it is disclosed will depend upon their assessment of the level of risk posed by the predatory offender.
- B. "**Risk Level Assessment**" is the level of danger to the community as established by the Minnesota Department of Corrections following a review by a committee of experts. The level of risk assigned to a soon-to-be-released offender determines the scope of notification. (*Minn. Stat. § 244.052, Subds. 2, 3*)
- C. "**Risk Levels**" (*Minn. Stat. § 244.052, Subd. 3(e)*)
 - 1. **Risk Level I** is assigned to a predatory offender whose risk assessment score indicates a low risk of re-offense.
 - 2. **Risk Level II** is assigned to a predatory offender whose risk assessment score indicates a moderate risk of re-offense.
 - 3. **Risk Level III** is assigned to a predatory offender whose risk assessment score indicates a high risk of re-offense.

- D. **“Notification or Disclosure by Law Enforcement Agency”** (*Minn. Stat. § 244.052, Subd. 4*)
1. **Risk Level I** – The local law enforcement agency may disclose certain information to other law enforcement agencies and to any victims of or witnesses to the offense committed by the offender. There will be no disclosure to school districts.
 2. **Risk Level II** – In addition to those notified in Level I, a law enforcement agency may notify agencies and groups the offender is likely to encounter that the offender is about to move into the community and provide to those agencies and groups an Offender Fact Sheet on the offender. School districts, private schools, day care centers, and other institutions serving those likely to be victimized by the predatory offender are included in a Level II notification.
 3. **Risk Level III** – In most cases, the local law enforcement agencies will hold a community meeting and distribute an Offender Fact Sheet with information concerning and a photograph of the soon-to-be-released Level III offender.
- E. **“Offender Fact Sheet”** is a data sheet compiled by the Department of Corrections or local law enforcement agency. The Offender Fact Sheet contains both public and private data including a photograph and physical description of the predatory offender, as well as the general location of the offender’s residence.
1. A local law enforcement agency will generally provide Offender Fact Sheets for Level II predatory offenders directly to MSA.
 2. Level III Offender Fact Sheets will be distributed at a community meeting conducted by the local law enforcement agency.
- F. **“Law enforcement agency”** means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release. (*Minn. Stat. § 244.052, Subd. 1(3)*)
- G. **“Criminal history conviction data”** is public data on a convicted criminal which is compiled by the State Bureau of Criminal Apprehension (BCA). (*Minn. Stat. § 13.87*)

IV. GUIDELINES

- A. The superintendent’s office shall request that all appropriate Level II and Level III notifications are to be provided from law enforcement agencies within Rice County to MSA as promptly as possible.
- B. Upon notification, the superintendent’s office shall forward the Offender Fact Sheet to all department supervisors to be posted in an area accessible to employees, but not to the public, unless a determination has been made that public posting would help secure the school or protect students. Supervisors must communicate with staff when a new fact sheet is posted.

- C. MSA may request criminal history conviction data on the Level II predatory offender from its local law enforcement agency. On a case-by-case basis, the superintendent may determine whether to send a letter to parents with general information regarding release of the Level II offender and a copy of the criminal history conviction data that MSA obtained from its local law enforcement agency. The offender fact sheet contains data classified as private or not public under Minnesota law and may only be distributed to parents, students, or others outside MSA if it determines the release is for the purpose of securing the schools and protecting individuals under MSA's care while they are on or near school premises.
- D. When a Level III predatory offender is released into a community, generally the local law enforcement agencies will notify school districts of the time and location of the community meeting at which the Level III Offender Fact Sheet will be distributed to the community. When MSA receives this information, the superintendent or a designee will attend the community notification meeting. The superintendent will also determine on a case-by-case basis whether MSA will notify parents and students of the time, date, and location of the community meeting.
- E. When MSA receives information that a Level III predatory offender is moving into the community, in addition to following the procedures specified above, MSA shall follow the procedures outlined for a Level II notification.
- F. If the predatory offender is participating in programs offered by MSA that require or might allow the person to interact with children other than the person's children, the superintendent shall notify parents of children enrolled at MSA of the contents of the Offender Fact Sheet.

[Note: The Department of Administration issued an opinion confirming that the Predatory Offender Fact Sheet contains private data or not public data. However, it is the department's opinion that a school district may release any information contained in the notification to anyone, including staff, students, parents, and guardians, if it determines that the release of data will help secure the school or protect students.]

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 244.052 (Community Notification)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

42 U.S.C. § 16901 et seq. (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)

Dept. of Admin. Advisory Op. No. 98-004

Cross References:

MSA Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

MSA Policy 515 (Protection and Privacy of Pupil Records)

MSA Policy 903 (Visitors to MSA Buildings and Sites)

Policy #: 208
Title: DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES
Date of Initial Approval: 04-08-2003
Revision/Re-authorization Dates: 03-08-2012; 11-21-2013; 06-12-2018
Reviewers: MSA Superintendent; MSA Human Resources Office

I. PURPOSE

The purpose of this policy is to establish a clear process for review and revision of Minnesota State Academies (MSA) policies and ensure that it is an ongoing effort to maintain current policies that supports the mission and vision of MSA.

II. GENERAL STATEMENT OF POLICY

Formal guidelines are necessary to ensure that MSA adheres to its mission and vision statements, and operates in an effective, efficient, and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the MSA board and should be in a form which is sufficiently explicit to guide administrative action.

III. DEVELOPMENT OF POLICY

- A. The MSA board has jurisdiction to legislate policy for the Academies with the force and effect of law. MSA board policy provides a structure for achieving the mission/vision of the Academies while delegating implementation of policy to the administration.
- B. The MSA board's written policies also provide guidance to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The MSA board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies or changes to existing policies may be proposed by any board member, employee, site council member, or student at MSA. Proposed policies or ideas shall be submitted to the Superintendent for review prior to referral to the MSA Board's Policy Committee.

IV. ADOPTION OF POLICY

- A. Review and revision of existing policies, or development of new policies, begin with initial notice and discussion during the MSA Board's Policy Committee meetings. After the policy committee develops a draft for consideration, the draft is sent to each campus' site councils for their review and input. At the same time, the policy is added to the next MSA board agenda for the first reading of the policy. When each campus' site council has shared feedback, the policy committee reviews the feedback and makes any necessary revisions.
- B. During the first reading of the policy, the board members have the opportunity to share their input about the policy and recommend changes if appropriate. The public also has the opportunity to present their input to the board during the public comment portion of the meeting. If there are changes to be made, the policy committee

reviews those recommendations and incorporates changes into the final draft. The final draft is then assigned to the next MSA board meeting as an action item for approval. At that meeting, the MSA board votes to approve or disapprove the policy. The public also has a second chance to share their input about the policy during the public comment portion of this meeting.

- C. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the MSA board after the policy committee has submitted the final draft (second reading). The policy becomes effective on the date of the meeting, or on a later date if explicitly stated in the motion.
- D. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the MSA board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The board shall have discretion to determine what constitutes an emergency situation.
- E. If a policy is modified because of a legal change over which the MSA board has no control, the modified policy may be approved at one meeting at the discretion of the board.
- F. If a policy needs re-authorization and does not involve any changes, the policy committee may refer the policy directly to the MSA board and have it approved at one meeting.

V. IMPLEMENTATION OF POLICY

- A. It shall be the responsibility of the MSA superintendent to implement board policies, and to develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation, including procedures and forms used by MSA employees.
- B. A master copy of the board policy manual shall be placed in the MSA superintendent's office. An accessible electronic copy of the board policy manual shall be posted on the MSA website for ease of access to board members, employees, family members, and students, as well as members of the public. The superintendent's office will make accessible copies of policies in a variety of formats (i.e. Braille) upon request.
- C. It shall be the responsibility of the MSA Superintendent and employees designated by the superintendent to keep the policy manual current.
- D. Each policy in the MSA policy manual shall be reviewed at least once every three years. Some policies must be reviewed annually and shall be reauthorized every June during the final board meeting of the academic year. The superintendent shall

be responsible for developing a system of periodic review, addressing approximately one third of the policies annually.

- E. When there is no MSA board policy in existence to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances, keeping in mind the educational philosophy and financial condition of the Academies. Under such circumstances, the superintendent shall advise the MSA board of the need for a policy and present a recommended policy to the MSA board policy committee for consideration.

Legal References:

Minn. Stat. § 123B.02, Subd. 1 (School District Powers)

Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

Policy #: 214
Title: OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS
Date of Initial Approval: 06-12-2018
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Fiscal Services Director

I. PURPOSE

The purpose of this policy is to control out-of-state travel by school board members as required by law.

II. GENERAL STATEMENT OF POLICY

School board members have an obligation to become informed on the proper duties and functions of a school board member, to become familiar with issues that may affect the school district, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state, and local laws, rules, regulations, and school district policies that relate to their functions as school board members. Occasionally, it may be appropriate for school board members to travel out of state to fulfill their obligations.

III. APPROPRIATE TRAVEL

Travel outside the state is appropriate when the school board finds it proper for school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the school district should be preapproved by the school board.

IV. REIMBURSABLE EXPENSES

Reimbursable expenses include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses which are referenced in MSA Policy #740. Generally, it is expected that the MSA Business Office will be arranging most of the travel expenses prior to the activity (transportation, lodging, registration fees, reasonable accommodations outlined in MSA Policy #440 and/or required materials, etc.) and reimburse board members for only “out-of-pocket” expenses that occur during the trip. Exceptions to this must be approved by the board.

V. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the official MSA form for non-state employees and are to be submitted to the Superintendent’s office. Itemized receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the state of Minnesota. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the school board’s approved budget allocations, including attendance at workshops and conventions.

D. Amounts for reimbursement shall follow the same guidelines and regulations that determine reimbursement for all other school employees. (MSA Policy #740)

Legal References:

Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)
Minn. Stat. § 471.661 (Out-of-State Travel)
Minn. Stat. § 471.665 (Mileage Allowances)
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

Cross References:

MSBA/MASA Model Policy 212 (School Board Member Development)
MSBA/MASA Model Policy 412 (Expense Reimbursement)
MSA Policy #740 – Special Expense/Out-of-State Travel Policy

Policy #: 401
Title: EQUAL EMPLOYMENT OPPORTUNITY
Date of Initial Approval: 11-17-2011
Revision/Re-authorization Dates: 01-19-2012; 11-21-2013; 06-12-2018
Reviewers: MSA Superintendent; MSA Human Resources Office

I. PURPOSE

The purpose of this policy is to provide equal employment opportunity for all applicants for employment at the Minnesota State Academies (MSA) and MSA employees.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the Minnesota State Academies is to provide equal employment opportunity for all applicants and employees. MSA does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, gender, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, age, family care leave status, or veteran status. MSA also provides reasonable accommodations for disabled employees.
- B. The Minnesota State Academies prohibit the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and MSA's internal procedures for addressing complaints of harassment, please refer to MSA Policy #413 regarding harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. It is the responsibility of every MSA employee to follow this policy.
- E. Any person having a question regarding this policy should discuss it with the MSA Human Resources Office.

Legal References:

- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)*
- 29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)*
- 29 U.S.C. § 2615 (Family and Medical Leave Act)*
- 38 U.S.C. § 4211 et seq. (Employment and Training of Veterans)*
- 38 U.S.C. § 4301 et seq. (Employment and Reemployment Rights of Members of the Uniformed Services)*
- 42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)*
- 42 U.S.C. § 12101 et seq. (Equal Opportunity for Individuals with Disabilities)*
- 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)*

Cross References:

- MSBA/MASA Model Policy 402 (Disability Nondiscrimination)*
- MSBA/MASA Model Policy 405 (Veteran's Preference)*
- MSBA/MASA Model Policy 413 (Harassment and Violence)*
- MSA Policy #413 (Harassment and Violence)*
- MSA Affirmative Action Plan*

Policy #: 410
Title: FAMILY AND MEDICAL LEAVE (FMLA)
Date of Initial Approval: 11-23-2015
Revision/Re-authorization Dates: 01-21-2016; 6-29-2017; 06-12-2018; 06-27-2019; 09-16-2020
Reviewers: MSA Human Resources Office

I. PURPOSE

Minnesota State Academies (MSA) is a state agency and is part of the executive branch of government in Minnesota. MSA follows the Family and Medical Leave Act (FMLA) set forth by Minnesota Management and Budget.

The purpose of the FMLA policy is to provide for family and medical leave to MSA employees in accordance with the Family and Medical Leave Act of 1993 and the regulations thereunder (Code of Federal Regulations (CFR), Title 29, Chapter V, Part 825).

The State of Minnesota FMLA policy and procedures can be found at:
https://mn.gov/mmb/assets/fmlapol-consolidated-1409_tcm1059-127556.pdf

Policy #:413
Title: HARASSMENT AND VIOLENCE
Date of Initial Approval: 1995
Revision/Re-authorization Dates: 05/03/07; 11/18/10; 11/21/2013; 01/22/2015; 6/29/2017; 6/12/2018; 06/27/2019; 09/16/2020
Reviewers: MSAB Director; MSAD Director; MSA Director of Support Services; MSA Superintendent; MSA Human Resources Office

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment for the Minnesota State Academies (MSA) that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the Minnesota State Academies to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any pupil, teacher, administrator or other MSA personnel to harass a pupil, teacher, administrator or other MSA personnel or group of students, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability as defined by this policy. (For purposes of this policy, MSA personnel include board members, staff, agents, volunteers, contractors or persons subject to the supervision and control of MSA.)
- C. A violation of this policy occurs when any pupil, teacher, administrator or other school personnel of MSA inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator or other MSA personnel or group of students, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. MSA will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

III. DEFINITIONS

- A. **“Assault”** is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;
 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. **“Harassment”** prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual’s or group of individuals’ race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance; or
 3. otherwise adversely affects an individual’s employment or academic opportunities.
- C. **“Sexual Harassment”** and **“Sexual Violence”** - Definition
(Please refer to [MSA Policy 413.1 – Sexual Harassment and Violence Prohibition](#) for more details and definitions regarding sexual harassment prohibition)
- D. **“Immediately”** means as soon as possible but in no event longer than 24 hours.
- E. **“Protected Classifications”** - Definitions
1. **“Age”** means the person is over the age of 25 years.
 2. **“Disability”** means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental loss which materially limits one or more major life activities;
 - b. has a record of such an loss; or
 - c. is regarded as having such a loss.
 3. **“Familial status”** means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor’s legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 4. **“Marital status”** means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in

employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

5. **“National origin”** means the place of birth of an individual or of any of the individual’s lineal ancestors.
6. **“Sex”** includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
7. **“Sexual orientation”** means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
8. **“Status with regard to public assistance”** means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

F. **“Violence”** - Definition

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

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator or other employees of MSA, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher, administrator or other employee or group of students, teachers, administrators, or other employees should report the alleged acts immediately to an appropriate MSA official designated by this policy. MSA encourages the reporting party or complainant to use the report form available from the MSA Human Resources Office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the MSA human rights officer or to the MSA superintendent.
- B. On Each Campus. The Director of each campus or their designee is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at MSAB and MSAD. Any employee who receives a report of harassment or violence prohibited by this policy shall inform the director immediately. If the complaint involves the director, the

complaint shall be made or filed directly with the superintendent or the MSA Human Resources Office. Employees who fail to inform the director of a report of harassment or violence in a timely manner may be subject to disciplinary action.

- C. Upon receipt of a report, the director must notify the MSA human resources office immediately, without screening or investigating the report. The director may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the director to the human resources office. If the report was given verbally, the director shall document the verbal report into written form within 24 hours and forward it to the human resources office. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the director.
- D. For the Agency. The Minnesota State Academies board hereby designates the Human Resources Director as the school district human rights officer to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves the Human Resources Director, the complaint shall be filed directly with the superintendent.
- E. The Minnesota State Academies shall conspicuously post the name of the human rights officer, including mailing address and telephone number in each lounge and/or workroom.
- F. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. MSA will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MSA's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. INVESTIGATION

- A. Upon receipt of a report or complaint alleging harassment or violence prohibited by this policy, the human resources director shall immediately undertake or authorize an investigation. The investigation may be conducted by MSA officials or by a third party designated by MSA.

- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, MSA should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, MSA may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators or other employees pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The investigation will be completed as soon as practicable. The MSA human resources director shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report shall be filed directly with the MSA board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

VI. SCHOOL DISTRICT ACTION

- A. Upon completion of the investigation, MSA will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. MSA action(s) taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and MSA policies.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the MSA Human Resources Office in accordance with state and federal law regarding data or records privacy.

VII. REPRISAL

MSA will discipline or take appropriate action against any student, teacher, administrator or other employee who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such

harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment, or intentional disparate treatment.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit MSA from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted in each lounge and/or workroom.
- B. This policy shall be given to each MSA employee and independent contractor at the time of entering into the person's employment contract. The Human Resources Office will support employees who may need assistance in understanding this policy.
- C. This policy shall appear in the student handbook.
- D. MSA will require each employee to read and understand this policy as part of our annual policy review. Supervisors/Directors will support employees who may need assistance in understanding this policy. As part of annual student orientation, directors of each campus will discuss this policy with students at the beginning of each school year
- E. MSA will seek out ways to implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References:

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 609.341 (Definitions)

Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)
Puller v. Indep. Sch. Dist. No. 701, 528 N. W. 2d 273 (Minn. Ct. App. 1998)

Cross References:

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)
MSA Policy 413.1 (Sexual Harassment Prohibition)

Appendices:

Appendix 413-A

Policy #: 414
Title: MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE
Date of Initial Approval: 10/27/2016
Revision/Re-authorization Dates: 06/12/2018; 06/27/2019; 09/16/2020
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

[Note: This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.]

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any employee fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under 18 years of age and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Mandated reporter” means any employee who knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:

1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

- F. "Non-maltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar non-maltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for

- the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to childcare centers licensed under Minn. Rules Ch. 9503
- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.67 or § 245.825. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any non-accidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (9) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.
- H. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or childcare services.
- I. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a

violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).

- J. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- K. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- L. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter. A copy of this report shall be filed in the superintendent's office.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- D. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school. Employees who submit reports will be protected to the fullest extent possible against any reprisals.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]

V. INVESTIGATION

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the

local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. The investigating agency will be responsible for bringing qualified interpreters and/or interveners to support communication with a deaf child.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks.
B. The school district will develop a method of discussing this policy with school personnel.
C. This policy shall be reviewed at least annually for compliance with state law.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 4, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References:

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

Policy #: 415
Title: MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS
Date of Initial Approval: 04/21/2016
Revision/Re-authorization Dates: 06/29/2017; 06/12/2018; 06/27/2019; 09/16/2020
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. It shall be a violation of this policy for any school personnel to fail to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. **“Mandated Reporters”** means any school personnel who have reason to believe that a vulnerable adult is being or has been maltreated.
- B. **“Maltreatment”** means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. **“Neglect”** means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- D. **“Abuse”** means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1)

- assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.
- E. **“Financial Exploitation”** means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. **“Vulnerable Adult”** means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services at or from a licensed facility which serves adults as set forth in Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or home care provider service; or (4) regardless of residence or type of service

- received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.
- G. **"Caregiver"** means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. **"School Personnel"** means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- I. **"Immediately"** means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the designated county entity.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data* as defined under Minn. Stat. § 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails

to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.

- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

VI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks.
- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References:

Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. § 609.234 (Crimes Against the Person)
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References:

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

Policy #: 440
Title: REASONABLE ACCOMMODATIONS
Date of Initial Approval: 07-09-1996
Revision/Re-authorization Dates: 05-31-2001; 11-21-2013; 04-19-2018
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The Minnesota State Academies (MSA) are responsible to reasonably accommodate qualified individuals with physical or mental disabilities, who are employees, applicants, board members, or employees seeking promotion, in the accomplishment of their employment responsibilities unless the accommodation would impose an undue hardship. MSA is committed to the fair and equal employment of people with disabilities, and understands that in many cases, reasonable accommodation is the key to this employment. In accordance with the Americans with Disabilities Act (ADA), MSA will work with the employee to provide reasonable accommodations appropriate to the situation.

II. DEFINITIONS

A. **“Person with a disability.** A person with a disability is one who...

- i. ...has a physical or mental impairment that substantially limits one or more major life activities or
- ii. ...has a record of such an impairment, or
- iii. ...is regarded as having such an impairment.

B. **Reasonable accommodation.** An accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and benefit from all aspects of employment. The accommodation is reasonable if it is effective in eliminating the barrier and does not cause an undue hardship.

C. **Undue hardship.** An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature of the operation of the agency.

III. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION (EMPLOYEE):

A. The employee will inform their supervisor of the need for an accommodation. The employee (or the supervisor if requested by the employee) will complete the *Request for Reasonable Accommodation* form and submit it to the MSA Human Resources Office. If necessary, the supervisor will work with the Human Resources Director/ADA Coordinator to obtain documentation of the individual’s functional limitations.

B. When an accommodation has been requested, the supervisor will, in consultation with the employee:

- i. Discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step job analysis);
 - ii. Determine the precise job-related limitation(s);
 - iii. Identify potential accommodations and assess the effectiveness of each; and
 - iv. Select and implement the most appropriate accommodation for both the individual and the employer.
- C. The supervisor and/or employee may seek technical assistance from the MSA Human Resources Office and/or the Minnesota Department of Management and Budget as needed.
- D. If the supervisor is unable to make a decision about a requested accommodation, they will forward the written request for accommodation along with their recommendation to the MSA superintendent within ten working days of the employee's request. The superintendent, working with MSA's Human Resources Director/ADA Coordinator, will make a decision and provide their response to the supervisor and the employee within 10 working days after receiving the request.
- E. If an accommodation cannot overcome existing barriers, or if the requested accommodation would cause undue hardship in the operation of the agency, the employee and MSA's Human Resources Director/ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation, utilizing the following guidance.
 - i. Look for a vacant position that is equivalent to the one held by the employee that may be appropriate.
 - ii. If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, MSA may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, MSA is not required to maintain the employee's salary at the previous level.
 - iii. Look for transfer, mobility, noncompetitive and competitive opportunities within other state agencies that might be of interest for the employee.

IV. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION (JOB APPLICANT):

- A. When a request for accommodation is received from a job applicant, the supervisor and a staff member from the MSA Human Resources Office will discuss the request and any possible alternatives with the applicant and will make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.

- B. If the supervisor and the staff member from the MSA Human Resources Office are unable to make a decision, they will forward a written request for accommodation along with a recommendation to the MSA Superintendent within 3 days following the request.
- C. If the request is approved, the supervisor will make sure that the accommodation is provided. If the request is not approved, the Human Resources Director will inform the applicant in writing within 3 working days.

V. FUNDING OF REQUESTED ACCOMMODATIONS

Funding must be secured for reasonable accommodations which do not cause an undue hardship. The supervisor and the MSA Financial Services Director will determine the funding source at the time of the request.

VI. PROCEDURE FOR DETERMINING WHETHER REQUESTED ACCOMMODATION IS AN UNDUE HARDSHIP

- A. If, in the opinion of the supervisor receiving the request for an accommodation, the cost or scope of the accommodation might alter the nature or operation of the department, the supervisor and MSA Human Resources Director will meet to review the requested accommodation(s), and will consider:
 - i. The nature and cost of the accommodation in relation to the size and financial resources of MSA as an employer; and*
 - ii. The impact of the accommodation on the nature or operation of the department.*
- B. If the supervisor/Human Resources Director determine that the accommodation will impose an undue hardship, the Human Resources Director will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the superintendent within 10 working days following the employee's request or within three working days following an applicant's request.
- C. The superintendent will provide a decision in writing to the Human Resources Officer, supervisor, and employee or applicant within 3 working days after receipt of the analysis and recommendations.

Legal References:

42 U.S.C. § 12101 et seq. (*Americans with Disabilities Act*)

Policy #: 444
Title: DRIVER'S LICENSE AND RECORDS CHECKS
Date of Initial Approval: 03/26/2015
Revision/Re-authorization Dates:04/19/2018
Reviewers: MSA Superintendent; MSA Human Resources

I. PURPOSE

Many Minnesota State Academy employees are required to drive a state vehicle; drive their personal vehicles on state business; or transport other employees, students, parents, etc. to off-campus locations either in a state or personal vehicle. They are therefore required to possess an active, valid, and appropriate driver's license. State employees whose job duties require driving have a personal obligation to comply with the law by not driving with an inactive, cancelled, suspended, or revoked license, by refraining from driving under the influence of alcohol or drugs, by abiding by license restrictions, and by driving safely and courteously. The public must have confidence in State employees who drive as part of their job.

II. DEFINITIONS

- A. **Alcohol/drug related driving offense.** Any violation of Minnesota Statutes Chapter 169A (Driving while impaired) or Minnesota Statute 169A.52 (Test Refusal or Failure).
- B. **Active/Valid/Appropriate license.** A current motor vehicle operator's license issued under the laws of the state of issuance and used as intended under the law.
- C. **CDL with School Bus Endorsement Driver.** An employee with a Commercial Driver's License (CDL) who transports students in the yellow bus.
- D. **Driver's License Record (DLR).** Refers to the historical record maintained on each driver by the Department of Public Safety (DPS), Driver and Vehicle Services (DVS) division. Includes equivalent records from searches of other states driver's license records repositories. Records include violations, revocations, and suspensions of driver's licenses.
- E. **Driver's license loss.** In this policy, the term "driver's license loss" refers to suspension, revocation, cancellation, disqualification, restrictions that preclude the employee from performing current job duties, or expiration.
- F. **Major traffic violations.** Major violations include but are not limited to: driving under the influence of alcohol/drugs, reckless or careless driving, attempting to elude the police, leaving the scene of an accident, and driving while license is suspended/revoked.
- G. **State vehicle.** An automobile, truck, or other equipment which is the property of the State and requires the operator to have a driver's license.
- H. **Type III School Bus.** Passenger cars, station wagons, vans, SUVs, and buses having a maximum manufacturer's rating sitting capacity of 10 or fewer

people including the driver, and a gross vehicle weight rating of 10,000 pounds or less. The vehicle may not be more than 12 years old.

- I. **Type III Driver.** Any employee who transports students in a Type III School Bus/Vehicle.

III. DRIVER'S LICENSE REQUIREMENT

All Minnesota State Academies employees must have an active, valid, appropriate driver's license if they drive a state-owned, rented or leased vehicle, or personal vehicle on state business including transporting other employees, students, parents, etc. An employee who drives on state business without an active, valid, appropriate driver's license will be subject to disciplinary action, up to and including discharge. The Minnesota State Academies Human Resources Office will verify each year that their employees have appropriate driver's licenses.

In cases where a driver's license is not required or is incidental to performing job duties, the employee must be able to provide their own transportation to off-site training sessions, meetings or other business responsibilities. This may include carpooling or riding a bus or taxi, etc.

IV. FOR DRIVERS OF STATE-OWNED, LEASED OR PERSONAL VEHICLES

Job Applicants: Prior to hiring an individual who will be required to drive a state vehicle or a personal vehicle in positions which driving is a requirement of the job, MSA must verify that the individual has the required license and that the driver's license record is reviewed. The agency must also obtain and review the individual's driver's license record for any state in which the individual has held a driver's license in the previous five (5) years.

If the individual is given a timeframe to obtain a license after hire, the employee's supervisor must ensure that the individual obtains the required license within that time frame. Any job offer for such a position must be made contingent upon successful completion of this driver's license verification and driver's license record review.

Current Employees: At least annually, MSA must verify that employees whose positions require driving as a job function have an active, valid, and applicable driver's license.

If the agency has not previously performed a driver's license record review for the employee, the agency must also obtain and review the individual's driver's license record for any state in which the individual has held a driver's license in the previous five (5) years.

If there are concerns about the driver's license data, Human Resources will work with the employee's department manager/supervisor to determine an appropriate course of action. The Academies require drivers to complete a vehicle use

agreement authorization. After obtaining employees' driver's license and record check authorization data, the Human Resources office will review the driver's license records.

V. TYPE III SCHOOL BUS/VEHICLE DRIVERS

Required Training: Type III School Bus/Vehicle Drivers who transport students in Type III vehicles are mandated to perform the following annually:

- A. Training on proper operation of a Type III school bus/vehicle;
- B. Behind the wheel evaluation;
- C. Evaluation of ability to perform pre-trip inspections;
- D. Certification from a Type III Instructor indicating a passing score on Type III training

VI. DRIVER DISCLOSURE REQUIREMENTS OF DWI, DISQUALIFYING OFFENSES AND MOVING VIOLATIONS

Employees who drive on state business shall inform their supervisor of any status change affecting driver's licenses, including but not limited to suspension, revocation, cancellation, disqualification or expiration, or any license restrictions immediately, or no later than the beginning of the next shift. Employees must also notify their supervisor if they have been arrested or cited for any alcohol/drug related driving offense or a major moving violation within 48 hours.

Type III School Bus/Vehicle Drivers must inform their supervisor of any moving violations in writing within 10 days of conviction.

All Employees must inform their supervisor of all moving violations or citations received while driving state vehicles within 48 hours.

Employees who fail to report moving violations/citations as listed above within required timelines will be subject to disciplinary action, up to and including discharge.

VII. PROCEDURE FOR DRIVER'S LICENSE VERIFICATION AND DRIVER'S LICENSE RECORD REVIEW

Authorization for Driver's License Verification: Prior to obtaining a driver's license record of any individual, MSA HR will receive a signed authorization form from the individual, allowing the employer to obtain a driver's license record. (See Appendix 444-A)

VIII. RELATED EMPLOYMENT ACTIONS

The Academies follows the guidelines in the Statewide Policy on Driver's License and Records Checks when taking employment actions for infractions of this policy and consults with MMB labor relations before taking action.

IX. RESPONSIBILITIES

Employees: Employees whose job duties require an active, valid/appropriate driver's license or who drive a state vehicle must:

- A. Be familiar with the State's and MSA's Driver's License and Records Checks policy.
- B. Maintain an active, valid/appropriate driver's license.
- C. Complete required training as assigned.
- D. Notify their supervisors no later than the beginning of the next shift after losing their driver's license through suspension, revocation, cancellation, disqualification or expiration.
- E. Abstain from driving a state vehicle if the employee does not have a valid/appropriate driver's license.
- F. Abstain from transporting students in personal vehicles without prior approval from their supervisor, with the exception of emergency situations.
- G. Drive responsibly and adhere to all traffic laws.
- H. Maintain liability insurance on their own vehicles if used for work purposes.
- I. Enter data for each driver's license held in the last five years into Self-Service.
- J. Delete data from Self-Service relating to any previously held driver's license which has been invalid for at least five years (includes suspended, revoked, canceled, disqualified or expired).
- K. For Type III Drivers – submit a hard copy of current driver's license to Human Resources

Managers/Supervisors

- A. Be familiar with the State's and Agency's Driver's License and Records Checks Policy.
- B. Prior to hiring an applicant whose job duties require a driver's license, ensure that the individual has the required license and that his/her driving record reviewed.
- C. When an employee who is required to have a driver's license has the license suspended, revoked or canceled, follow the appropriate procedure as provided by this policy and consult with Human Resources before taking appropriate action.

Human Resources

- A. Confer with agency supervisors and managers to determine appropriate actions when an employee loses his/her license or when the employee's driver's license record is problematic.
- B. Make sure that actions taken are documented and that decisions about similar situations are consistent.
- C. Confer with their labor relations representative at Minnesota Management and Budget (MMB) to make sure actions are consistent with similar situations at other agencies.

- D. Collect and retain a signed authorization form (Appendix 444-A) from employees who drive state vehicles.

Legal References:

M.S. 171.02 Sub. 2b - Driver's Licenses Classification, Endorsements, Exemptions
M.S. 169A - Driving While Impaired

Cross References:

Policy #1419 - MN Department of Administration & Minnesota Management and Budget
Statewide Policy on Driver's License and Records Checks

Appendix:

Appendix 444-A – Driver's License Review Authorization

Policy #: 451
Title: APPROPRIATE USE OF SOCIAL MEDIA
Date of Initial Approval: 11/16/2017
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSAB Director; MSAD Director; MSA Human Resources

I. PURPOSE AND BACKGROUND INFORMATION

The Minnesota State Academies face the challenge of balancing the secure use of social media to enhance communication, collaboration, and information exchange for the greater MSA community with the need to protect the privacy of our students as well as protecting the ability of employees’ to freely express themselves. This policy establishes MSA’s position on the utility and management of social media and provides guidance on the management, administration, and oversight. This policy is not intended to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools/platforms will emerge. This policy governs the appropriate use of social media at all times, including both work and non-work time, by MSA employees, consultants, and contractors.

II. GENERAL STATEMENT OF POLICY

Social media provides a new and potentially valuable means of assisting the Academies and its employees in meeting community outreach, communication, collaboration, and information exchange with parents, students, and community members. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by the Superintendent and Directors of MSA. MSA also recognizes the role that these tools play in the personal lives of some employees and that the personal use of social media can have bearing on employees in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by MSA employees.

III. DEFINITIONS

- *Blog/Vlog*: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log”. Vlog refers to Blogs that are published via video (commonly used by deaf people instead of sharing information via printed media)
- *Page*: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights
- *Post*: Content an individual shares on a social media site or the act of publishing content on a site.
- *Profile*: Information that a user provides about themselves on a social networking site.
- *Social Media*: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro-blogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube, Instagram, SnapChat, TikTok), wikis (Wikipedia), blogs/vlogs, and news sites (Digg, Reddit).
- *Social Networks*: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

- *Speech*: Expression or communication of thoughts or opinions in spoken words/sign language, in writing, by expressive conduct, symbolism, photographs, videos, or related forms of communication.
- *Web 2.0*: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- *Wiki*: Web page(s) that can be edited collaboratively.

IV. ON-THE-JOB USE OF SOCIAL MEDIA

A. MSA-Approved Social Media: Guiding Principles

1. When possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Minnesota State Academies' presence on that site.
2. When possible, the page/post should link to the Minnesota State Academies' official websites.
3. The Social Media pages/posts should be developed/written for the target audience (such as families, students, or other community members)
4. MSA employees who are assigned the responsibility of representing MSA on social media outlets should ensure accessibility of those pages/posts (audio description, captions, voice-over, ASL, etc. as appropriate).
5. The traditional communication rules of reasonableness, respect, courtesy and common sense, and legal requirements also apply to social media outlets.

B. Procedures

1. All MSA social media sites or pages shall be approved by the MSA superintendent and shall be administrated by designees selected by the MSA superintendent and/or Directors of the Academies.
2. Social media sites (where possible) shall clearly indicate that they are maintained by MSA and shall have MSA contact information prominently displayed.
3. Social media content shall adhere to applicable laws, regulations, and policies, including all privacy requirements for students and all information technology and records management policies. Social media content must also adhere to MSA's website/social media accessibility policy. (Policy # 103) Individuals managing MSA social media outlets must maintain a list of student permission forms regarding media releases and privacy expectations.
4. When possible, social media posts should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Academies.
 - a. Pages shall clearly indicate that posted comments will be monitored and that the Academies reserve the right to remove obscenities, off-topic comments, and personal attacks.
 - b. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

C. MSA-Sanctioned Use

1. MSA employees representing the Academies via social media outlets shall follow the guidelines below:

- a. Conduct themselves at all times as representatives of the Minnesota State Academies and, accordingly, adhere to all MSA standards for conduct, and observe conventionally accepted protocols and proper decorum.
 - b. Identify themselves as an employee of the Minnesota State Academies
 - c. Maintain confidentiality, following expectations outlined in the Family Educational Rights and Privacy Act.
 - d. Utilize department computers and/or mobile devices to manage MSA social media activities.
2. Potential Uses of Social Media
- a. Community Outreach and engagement by:
 - i. Providing tips related to education and language development
 - ii. Offering opportunities for communication with school administration
 - iii. Sharing information and announcements about upcoming events open to the community/parents
 - iv. Soliciting input and feedback about school-related projects and/or policies
 - b. Time –sensitive notifications related to:
 - i. Transportation changes and updates
 - ii. Weather emergencies
 - iii. Security and Safety of students
 - iv. Special events, including last-minute scheduling changes
 - c. Recruitment of potential employees or volunteers
 - i. Information about current programs
 - ii. Information about current vacancies
 - iii. Opportunities for volunteers
 - d. Information sharing with potential students and their families
 - i. Information about school programs and extracurricular activities
 - ii. Information about successful students and alumni
 - iii. Family events at the Academies
 - iv. Contact persons for questions about the Academies

V. PERSONAL USE: Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, MSA employees should be aware of the following considerations and take precautions when using social media.

- A. MSA employees are free to express themselves as private citizens on social media sites but are encouraged to take care that their speech does not impair their positive working relationships with other employees, parents, families, and students at the Minnesota State Academies. Examples of sensitive situations may include the following: Situations in which confidentiality is important; Opinions that may exclude or offend minority groups at work; Comments about co-workers that may impair discipline and harmony among co-workers; or comments that may negatively affect the public perception of the Academies.
- B. As public employees, MSA employees are cautioned that speech on- or off-duty, made pursuant to their official duties – that is, that owes its existence to the employee’s professional duties and responsibilities – is not protected speech under

the First Amendment and may form the basis for discipline if their speech is determined to be a violation of policies of the Minnesota State Academies. MSA employees should assume that their speech and related activities on social media sites will reflect upon their position and MSA. Employees must also maintain confidentiality, following expectations outlined in the Family Educational Rights and Privacy Act.

- C. MSA employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without authorization from the Superintendent or the Directors of the Academies.
- D. When using social media, MSA employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to MSA's code of conduct is expected in the personal use of social media. In particular, MSA employees should be mindful of the impact of their comments on students and families, particularly with speech containing obscene or sexually explicit language, images or acts; or statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals. Employees also should take caution about speech involving themselves or other employees that reflect behavior that may be reasonably considered as reckless or irresponsible.
- E. MSA employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could be reasonably considered to represent the views or positions of the Minnesota State Academies without express authorization. This includes pictures, videos, and other materials taken during work time.
- F. MSA employees should be aware that privacy settings and social media sites are constantly in flux and they should never assume that personal information posted on such sites is protected.
- G. MSA employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by MSA at any time without prior notice.
- H. MSA employees are prohibited from utilizing work time to access/manage their personal social media sites without express authorization. When using MSA's computer systems, use of social media for business purposes is allowed, but personal use of social media networks or personal blogging of online content may result in disciplinary action.

VI. REPORTING VIOLATIONS

Any employee becoming aware of or having knowledge of a posting or any website/webpage in violation of the provisions of this policy shall notify their supervisor immediately for follow-up action.

Policy #: 455
Title: EMPLOYEE CODE OF CONDUCT
Date of Initial Approval: 04/19/2018
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Fiscal Services Director; MSA Human Resources Director

I. OBJECTIVES

The objectives of this policy and procedure are to:

- A. Promote honest and ethical behavior within the Minnesota State Academies (MSA)
- B. Inform MSA employees of their responsibilities under the Statewide Operating Policy 0103-01, Code of Conduct; and the companion Statewide Procedure 0103-01.1, Code of Conduct and,
- C. Ensure agency-wide compliance with the MSA Employee Code of Conduct (COC) which includes compliance with the codes of conduct listed above.

II. APPLICABILITY

This policy is applicable to all MSA employees and contractors.

III. POLICY

It is the policy of MSA that each employee will conduct themselves and perform their employment duties in an honest and ethical manner. It is also the policy of MSA that each employee, and the organization as whole, will comply with the COC; all other MSA-specific employee conduct and ethics-related policies; and any other applicable statewide employee conduct and ethics rules, laws, and statutes.

Specifically, MSA will:

- A. Train each employee on their duties and responsibilities under this policy/COC. New employees will be trained within 30 days of their start date; and at least once every three years thereafter.
- B. Require every employee to certify their knowledge of, and agreement to abide by, the requirements of this policy/COC within 30 days of their start date and once each fiscal year thereafter.
- C. Provide retaliation-free mechanisms and communication channels for employees to report suspected violations of this policy, the COC, and any other personal conduct and ethics-related policies occurring within MSA or at any other state agency.
- D. Document, investigate when necessary, and resolve all reasonable and good faith reports of suspected violations of this policy, the COC, or any other employee conduct or ethics-related violations, received internally or externally, in a timely manner.
- E. Notify appropriate state and/or federal agencies, law enforcement bodies, and/or the Office of the Legislative Auditor (OLA), as applicable, of suspected violations of law, and/or instances of fraud and abuse.

- F. Take appropriate action, as applicable, against any employee found to be in violation of the requirements of this policy, the COC, or any other personal conduct or ethics-related policies.

IV. EMPLOYEE CONDUCT RESPONSIBILITIES

Each MSA employee, through words and actions, must demonstrate professional and ethical conduct by adhering to the following expectations:

- A. Act honestly and ethically in carrying out one's employment duties and responsibilities;
- B. Comply with all policies and procedures pertinent to one's job duties, and all applicable MSA/state/federal laws, rules, and regulations;
- C. Cooperate fully with internal, legislative, or external auditors in all areas of their examinations;
- D. Report suspected COC and ethics violations, significant internal control weaknesses, evidence of theft, embezzlement, unlawful use of public funds or property or other irregularities/wrongdoings through appropriate agency channels as designated; and
- E. Report any evidence of theft, embezzlement, or unlawful use of public funds or property to the OLA.

V. NEW EMPLOYEE TRAINING AND CERTIFICATION

The MSA New Employee Supervisory Checklist will include a step reminding supervisors of all new employees of the requirement to have the employee(s)

- within 30 days of their start date, read and become familiar with the this policy, the COC, and other applicable statewide employee conduct and ethics policies, procedures, and statutes,
- view the online new employee COC training,
- **and** complete and sign the appropriate COC certification form.

Upon completion of the training and appropriate certification form, the employee must provide their manager/supervisor with the signed certification form which the manager/supervisor will forward to the MSA Human Resources (HR) Office for filing.

This includes all contractors entering into service contracts with MSA.

VI. ANNUAL EMPLOYEE RECERTIFICATION

Once each fiscal year, MSA Managers and supervisors are required to:

- A. Discuss the COC requirements with their staff and determine a refresher COC or ethics-related training is needed;
- B. Ensure all of their staff and contractors complete and sign new COC certification forms; and,
- C. Submit completed certification forms to the MSA HR Office within the timeframes identified.

VII. AGENCY WIDE TRAINING

Once every three years, the MSA HR Office will provide COC training to every MSA employee. At a minimum, this training will include a discussion about the designated, retaliation-free, communication channels employees are to use for reporting suspected COC violations along with outlining what employees' legal obligations are for reporting applicable violations to the OLA and other authorities. The MSA HR Office will determine the type(s) of training to be provided; schedule and coordinate/prepare the training session(s); and maintain documentation of the training sessions, including an attendance record.

VIII. REFUSAL TO SIGN

Any employee who refuses to sign the certification form signifying their agreement to abide by the COC may be subject to disciplinary action, up to and including termination of state employment. Probationary employees may be non-certified.

IX. REPORTING SUSPECTED CODE OF CONDUCT OR OTHER ETHICS VIOLATIONS

A. Reporting to the Office of the Legislative Auditor (OLA): Any employee who discovers evidence of theft, embezzlement, unlawful use of public funds or property, evidence of long-distance telephone misuse, and/or violations of the Code of Ethics for Employees in the Executive branch, at MMB, or any other state agency, must immediately report this information, in writing, to the OLA.

Note: Employees are still required to report evidence of theft, embezzlement or unlawful use of state funds/property to the OLA even if they have made the same report internally through the designated communication channels identified below in step B of this policy section. Similarly, MSA senior staff must immediately report to the OLA, in writing, any evidence of theft, embezzlement, or unlawful use of public funds/property they receive from a MSA employee, even if that employee has already satisfied their legal obligation by reporting the same evidence directly to the OLA.

B. Any employee who witnesses an improper activity; discovers evidence; receives a report from an external source; or has other reasonable basis to suspect **that within MSA** a violation of this policy, the COC, or any other personal conduct or ethics-related policy/procedure must immediately report their suspicions and evidence through one of the following designated communication channels:

- Their direct supervisor/manager;
- Director of MSA Human Resources; or
- MSAB/MSAD Director; Director of Financial Services; or Superintendent.

C. Supervisors/managers who receive a report of suspected COC violation must immediately document the report, collect all relevant information available, and pass the report and supporting information to the Director of MSA Human Resources. If the HR Director is not available or is believed to be party to the suspected violation, the supervisor must pass the report and supporting information directly to an appropriate member of the MSA senior staff.

D. If the HR Director receives a report of a suspected COC violation directly from a staff member, they must document the report and collect all supporting information available. The HR Director is responsible for communicating any report of suspected

COC violations to the MSA senior leadership team, regardless of how and from whom they receive the report.

- E. The HR Director and senior leadership team will determine if and how all reports of COC violations will be investigated and resolved, and make a determination of whether or not the Office of the Legislative Auditor (OLA) or other authorities need to be notified.
- F. Any MSA employee who discovers evidence, personally witnesses, or receives a report from a member of the general public or another state agency employee about a violation of the COC or any other personal conduct or ethics-related policy/procedure that has taken place or is taking place **at a state agency other than MSA**, must immediately report their suspicions/evidence to their direct supervisor. If their supervisor is not available, they must immediately report to the MSA Superintendent. MSA senior staff will document the report, determine the legitimacy of the report, determine how to communicate the information to the applicable state agency, and to which individual(s) at that agency, and make a determination of whether or not the Office of the Legislative Auditor (OLA) or other authorities need to be notified.
- G. MSA senior staff will treat each report of suspected COC violations it receives as a serious matter, and will respond as such by initiating an investigation to determine the legitimacy, scope, and severity of the reported conduct within a reasonable period of time.

X. INVESTIGATION AND RESOLUTION OF SUSPECTED COC VIOLATIONS

- A. MSA senior staff will take steps to document all reports of suspected COC violations and collect all available/applicable evidence, and to the extent possible, to protect that evidence from loss, corruption, and access by unauthorized persons.
- B. The names of the reporting employee and the person(s) accused/suspected of the COC violations will not be disclosed to anyone who does not have a business need to know. The reporting employee is prohibited from discussing the facts of the matter, including the name of the suspected COC violator, except where necessary for the investigation and resolution of the matter. To protect the integrity of the investigation, the nature and specifics of the suspected violation will be shared only with those with a business need to know, such as the OLA, law enforcement and/or those tasked with performing the investigation.
- C. Generally, the MSA HR Director, in consultation with the senior staff, will determine the type of investigation to be performed and the individual(s) who will perform the investigation. The type of investigation and individual(s) involved will be dependent upon the specific nature of the suspected violation. However, depending upon the nature of the reported violation, MSA may be required to follow the directions of, or relinquish control of the investigation to the OLA and/or other law enforcement entities.
- D. At the outcome of an investigation, the MSA HR Director or the lead investigator will provide the MSA Superintendent with written notification of the final resolution of the

matter within 30 days or as soon as possible after the final determination. If applicable and appropriate, the reporting employee may be notified of the final determination.

XI. MISCELLANEOUS

- A. If an employee leaving the employment of MSA agrees to an exit interview, the employee's direct supervisor, HR staff, Campus Director, or the Superintendent (whomever is conducting the interview) will make the following COC -related inquiries of the departing employee:
- Is the departing employee aware of any significant internal control weaknesses that present an increased risk of fraud, waste, or abuse?
 - Is the departing employee aware of any unlawful or suspicious activities taking place within MSA, or at any other state agency, that should be investigated?
 - Did the departing employee feel they received adequate training and guidance on the COC while employed at MSA?
 - Did the departing employee know what the designated communication channels were for reporting suspected COC violations?
- B. The above questions will be added to the MSA "Separation Questionnaire," along with a request to the departing employee to anonymously report any suspected/known COC violations or other improprieties.

References:

MMB Statewide Operating Policy 0103-01, Code of Conduct
MMB Statewide Procedure 0103-01.1, Code of Conduct
The Internal Control & Accountability Unit (MMB)- code of conduct information and training
The Office of the Legislative Auditor - reporting suspected wrongdoing
MMB-specific policies and procedures (Chapters 2, 3, 4, 5, and Fiscal & Payroll)
Minnesota Statute 10.47
Minnesota Statute 43A.39, subdivision 2

Appendices:

455-A: Code of Conduct certification form for agency heads
455-B: Code of Conduct certification form for managers, supervisors, employees

Policy #: 506
Title: STUDENT DISCIPLINE
Date of Initial Approval: 03/07/2013
Revision/Re-authorization Dates: 01/22/2015; 6/29/2017; 11/29/2018; 09/16/2020
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services; MSA Superintendent

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the Minnesota State Academies' expectations for student conduct. Such compliance will enhance the Minnesota State Academies' ability to maintain discipline and ensure that there is no interference with the educational process. The Minnesota State Academies (MSA) will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The MSA Board recognizes that individual responsibility and mutual respect are essential components of the educational process. The MSA Board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. MSA can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of MSA is that a fair and equitable agency-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56. In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the MSA Board, with the participation of MSA administrators, teachers,

employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of MSA.

III. **AREAS OF RESPONSIBILITY**

A. The MSA Board:

The MSA Board holds all employees responsible for the maintenance of order within the agency and supports all personnel acting within the framework of this discipline policy.

B. Superintendent.

The superintendent shall establish guidelines and directives to carry out this policy, hold all MSA employees, students, and parents responsible for conforming to this policy, and support all MSA employees performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents to be included within MSA procedures.

C. Directors:

The Directors of MSAB, MSAD, and MSA Student Support Services are responsible and authorized to develop rules and regulations necessary to enforce this policy, following parameters established in this policy, to be included in the Parent-Student Handbook and the Student Code of Conduct. The directors shall give direction and support to all MSA employees performing their duties within the framework of this policy. The directors shall consult with parents of students conducting themselves in a manner contrary to the policy to share information and gather input on how to support the student better. The directors shall also involve other professional employees in the disposition of behavior referrals and shall make use of appropriate external resources to assist students and parents. Directors, in exercising their lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student, or to prevent bodily harm or death to another.

D. Teachers.

All teachers are responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct consistently. In exercising the teacher's lawful authority, a teacher may use reasonable force when necessary under the circumstances to correct or restrain a student, or to prevent bodily harm or death to another.

E. Other Minnesota State Academies Employees.

All MSA employees, including contractors, are responsible for contributing to the atmosphere of mutual respect at MSA. Their responsibilities related to student behavior shall be as authorized and directed by the superintendent or directors of MSA. All employees of MSA, in exercising his or her lawful authority, may use

reasonable force when necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

F. Parents or Legal Guardians.

Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with MSA administrators and to participate respectfully in discussions and decisions regarding the behavior of their children.

G. Students.

All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

H. Community Members.

Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled. MSA administrators and employees shall provide educational materials, guidance, and instruction to community members whenever possible to assist community members in understanding the needs of our students and how to accommodate them within the community without lowering expectations for behavior and conduct.

IV. STUDENT RIGHTS

All students have the right to an education and the right to learn in a comfortable, safe, and accessible educational environment. To achieve this, MSA will develop disciplinary procedures and rules in order to provide this type of environment for all students at MSA.

V. STUDENT RESPONSIBILITIES

All students are responsible:

- A. For their behavior and for understanding and complying with all MSA rules, regulations, policies, and procedures documented in the Parent-Student handbook;
- B. To attend classes and other educational activities at MSA daily, except when excused, and to be on time to all classes and other MSA functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state of Minnesota and MSA board;
- D. To make necessary arrangements for making up work when absent from classes at MSA;
- E. To assist the MSA staff in maintaining a safe educational environment at MSA for all students;
- F. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- G. To be aware of and comply with federal, state, and local laws;
- H. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with MSA staff as appropriate;

- I. To respect and maintain MSA property and the property of others;
- J. To dress and groom themselves in a manner which meets standards of safety and health, and common standards of decency which are consistent with applicable MSA regulations;
- K. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- L. To conduct themselves in an appropriate physical or verbal manner; and
- M. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

The Minnesota State Academies has an obligation to provide a safe, secure, and peaceful learning environment for the school community, including students, staff (all school employees and school board members), parents, and volunteers as defined throughout the Code. Therefore, the school-wide Code of Conduct that supports a proper academic and social setting so that all participants can enjoy a productive and positive educational experience. The Code of Conduct is subject to annual review and is published annually as part of the Parent-Student Handbook. All provisions outlined in the Code of Conduct apply to the entire school community. It is everyone's responsibility to respect the educational process. Disruptions of the educational process will not be tolerated. Infractions of this Code of Conduct will be carefully assessed and the rights and responsibilities of the student and the school community will be upheld in order to promote the safety and positive self-image of the school community and to ensure a positive learning environment.

Please refer to the Parent-Student Handbook for specific information regarding discipline, behavior expectations, and possible consequences, including investigation procedures and IEP-related steps regarding student discipline.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of MSA is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of MSA administrators. At a minimum, violation of MSA rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. MSA shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the MSA administrator in charge of the investigation. Disciplinary action may include, but is not limited to, one or more of the following

- A. Student conference with teacher, director, counselor, or other MSA employee, and verbal warning;
- B. Confiscation by MSA directors/supervisors or their designees and/or by law enforcement of any item prohibited by, or used in the violation of, any MSA policy, rule, regulation, procedure, or state or federal law. If confiscated by MSA, the confiscated item will be released only to the parent/guardian

following the completion of any investigation or disciplinary action instituted or taken related to the violation.

- C. Parent contact/conference;
- D. Removal from class;
- E. Suspension from school, dorm, or extracurricular activities (all suspensions must be accompanied by an admission/readmission plan);
- F. Detention or restriction/loss of privileges;
- G. Individual monitoring/close supervision or revised class schedule;
- H. Referral to MSA support services, community resources, and/or outside agency services;
- I. Financial restitution;
- J. Referral to police, other law enforcement agencies, or other appropriate authorities, including the possibility of a request for a petition to be filed in district court for juvenile delinquency adjudication;
- K. Long-Term Out-of-School suspension, expulsion, or exclusion under the Pupil Fair Dismissal Act; and/or
- L. Other disciplinary actions as deemed appropriate by MSA.

VIII. REMOVAL OF STUDENTS FROM CLASS

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by MSA. "Removal from class" and "removal" mean any actions taken by a teacher, director, or other MSA employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including MSA employees, the student or other students, or the property of MSA;
3. Willful violation of any MSA rules, regulations, policies or procedures, as outlined in the parent-student handbook; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

- B. If a student is removed from class more than ten (10) times in an academic year, MSA shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class. The student's IEP team should be convened to consider the need for a Functional Behavior Assessment (FBA) and/or a Behavior Intervention Plan (BIP).
- C. Procedures for Removal and Return of a Student from a Class and Notification Requirements: Teachers are required to follow the legal procedures prescribed in law if and when they exercise their authority to remove a student from class. Those procedures will be specified by the MSA directors and reviewed annually with teachers at the beginning of each academic year.
1. The school procedures for teachers to remove a student will include the following:
 - a. Specify procedures to be followed by a teacher, administrator, or other MSA employee to remove a student from a class;
 - b. Specify required approvals necessary;
 - c. Specify paperwork and reporting procedures;
 - d. Designation of where student is to go when removed;
 - e. Designation of how student is to get to designated destination;
 - f. Whether student must be accompanied;
 - g. Statement of what student is to do when and while removed;
 - h. Designation of who has control over and responsibility for student after removal from class.
 2. The school procedures for teachers to return a student to class after removal will include the following:
 - a. Specific procedures to be followed by a teacher, administrator, or other MSA employee to return a student to class after removal;
 - b. Actions or approvals required such as notes, conferences, and/or readmission plans;
 - c. Procedures for consideration of whether there is a need for further assessment;
 - d. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Plan (IEP) and/or the student's Behavior Intervention Plan (BIP) of a student who is removed from class or disciplined; and
 - e. Any procedures determined appropriate for referring students in need of special services to those services.
 3. The school procedures for teachers to notify parents/guardians and other employees who work with the student will include the following:
 - a. Specific procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting in disciplinary action;

- b. Actions or approvals required, such as notes, conferences, and/or readmission plans; and
 - c. The person(s) responsible for communicating with parents/guardians and employees who work with the student and the extent of information to be shared.
4. When a student is removed from class, employees should consider the following prior to return to class:
- a. Staff Procedures for Detecting and Addressing Substance Abuse Problems of Students While on Minnesota State Academies Premises.
 - b. Establishment of a chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.26;
 - c. Establishment of a MSA and community advisory team to address chemical abuse problems pursuant to Minn. Stat. § 121A.27; and
 - d. Establishment of teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.
 - e. Teacher procedures for immediate and appropriate interventions tied to violations of rules and regulations as outlined in the Parent-Student Handbook.
 - f. Any procedures determined appropriate for encouraging early involvement of parents/guardians in attempts to improve a student's behavior and/or early detection of behavioral problems.

IX. DISMISSAL

“Dismissal” means the denial of the current educational program to any student, including suspension, exclusion, and/or expulsion. Dismissal does not include removal from class.

MSA shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

MSA shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable MSA Board regulation, including those found in this policy;

2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of MSA employees to perform their duties, or MSA sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including MSA employees, or property of MSA.

Suspension Procedures

1. "Suspension" means an action by MSA administrators, under policies developed by the MSA Board, prohibiting a student from attending MSA for a period of no more than ten (10) days; provided, however, if a suspension is longer than five (5), the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) day or less when a student with a disability does not receive regular or special education instruction during that dismissal period.
2. MSA is a special-education placement. Thus, MSA must follow all laws, rules, and regulations in the Individuals with Disabilities Education Act (IDEA). Based on this, decisions regarding suspension, expulsion, and/or exclusion must be made on the following principles:
 - a. The school principal can remove a student who is receiving special education services from his or her educational program for a maximum of 10 cumulative days per school year (including in-school suspension if regular education services are not provided).
 - b. A student can be suspended for more than 10 school days in a school year, but must receive a free appropriate public education on the 11th day and after.
 - c. The IEP team must consider if the student's behavior was caused by his/her disability. If the behavior was not caused by the disability, disciplinary action can be applied as would be with any other student. If the team decides that the behavior was caused by the disability, the student may not be suspended or removed. The team may, however, change the student's placement through the IEP process.
 - d. After a student has been suspended for 10 school days in a school year, the student's IEP team must convene to develop a FBA and a BIP. If one already exists, the IEP team must consider what revisions may be needed. Relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the curriculum and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible after the tenth (10th) cumulative day of suspension has elapsed.

- e. A principal or instructional supervisor may order that a student with a disability be placed in another educational setting for no more than 45 calendar days if the student is in possession of a dangerous weapon or is selling, using, or possessing drugs at school or a school function, or has inflicted severe bodily injury on another at school, or school premises or at a school function under MSA jurisdiction.
- f. MSA shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
- g. MSA shall not suspend a student without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a MSA administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
- h. Each suspension action must include a readmission plan. The plan shall include, when appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. MSA administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in MSA educational activities, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect.

MSA administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or when MSA is in the process of initiating an expulsion, in which case MSA administration may extend the suspension to a total of fifteen (15) days.

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3. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.
4. MSA administrators shall make reasonable efforts to notify the student's parents/guardians of the suspension as soon as possible following the incident.
5. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
6. Notwithstanding the foregoing provisions, the student may be suspended pending the MSA Board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

Expulsion and Exclusion Procedures

1. "Expulsion" means a MSA Board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the MSA Board.
2. "Exclusion" means an action taken by the MSA Board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the academic year. The authority to exclude rests with the MSA Board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.

4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent/guardian.
5. The student and parent or guardian shall be provided written notice of MSA's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and their parent/guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. MSA shall advise the student's parent/ guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by MSA, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student and parent/guardian and shall be closed, unless the student and parent/guardian requests an open hearing.
8. MSA shall record the hearing proceedings at MSA's expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. MSA shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The MSA Board may appoint an attorney to represent MSA in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent/guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by MSA. The

hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all MSA records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any MSA employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for MSA.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the MSA Board and served upon the parties within two (2) days after the close of the hearing.
17. The MSA Board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The MSA Board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the MSA Board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the MSA Board may appeal the decision to the Commissioner within twenty-one (21) calendar days of MSA Board action pursuant to Minn. Stat. § 121A.49. The decision of the MSA Board shall be implemented during the appeal to the Commissioner.

19. MSA shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. MSA must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to MSA within ten (10) days of the termination of dismissal, a MSA administrator shall inform the student and their parent or guardian by mail of the student's right to attend and to be reinstated at MSA.
22. A MSA administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from MSA. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

X. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, director, or other MSA designee may provide additional notification as deemed appropriate.

XI. STUDENT DISCIPLINE RECORDS

The policy of MSA is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable MSA policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

XII. MANIFESTATION DETERMINATION PROCESS

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, MSA will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that MSA had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, MSA shall continue to provide special education and related services during the period of expulsion or exclusion.

XIII. DISTRIBUTION OF POLICY

MSA will include references to this policy in the Parent-Student Handbook distributed annually to all students and parents/guardians. This policy shall also be posted on the MSA website for students and parents/guardians to read. This policy shall also be available upon request from the superintendent's office.

XIV. REVIEW OF POLICY

The director and representatives of parents, students and staff on each campus' site councils shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the MSA Board, which shall conduct an annual review of this policy.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (Minnesota State Academies Pre-assessment Teams)
Minn. Stat. § 121A.27 (Minnesota State Academies and Community Advisory Team)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.582 (Reasonable Force)

Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
Minn. Stat. § 123A.05 (Area Learning Center Organization)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
Minn. Stat. Ch. 125A (Students with Disabilities)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Court Act)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References:

MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 501 (Minnesota State Academies Weapons)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 505 (Distribution of Non-Minnesota State Academies-Sponsored Materials on Minnesota State Academies Premises by Students and Employees)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
MSBA/MASA Model Policy 610 (Field Trips)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

Policy #: 514
Title: BULLYING PROHIBITION
Date of Initial Approval: 03-17-2004
Revision/Re-authorization Dates: 11-18-2010; 8-22-2013; 01-22-2015; 6-29-2017; 6-12-2018; 06-27-2019; 09-16-2020
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.

F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may take into account the following factors:

1. The developmental ages and maturity levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature of the behavior;
3. Past incidences or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.

Consequences for staff who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

G. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term, "bullying," specifically includes cyberbullying as defined in this policy.

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data,

including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
 - 1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 - 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 - 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. "Student" means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct, or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.

- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (See MSBA/MASA Model Policy 506) and other applicable school district policies; and applicable regulations.
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 4. The incidence and nature of cyberbullying; and
 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.

- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
 2. Partner with parents and other community members to develop and implement prevention and intervention programs;
 3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
 4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
 5. Teach students to advocate for themselves and others;
 6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
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- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

 - G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See MSBA/MASA Model Policy 515) in the student handbook.

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 124D.10 (Charter School)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 423 (Employee-Student Relationships)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Policy #: 522
Title: STUDENT SEX, GENDER, GENDER IDENTITY NONDISCRIMINATION
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Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The Minnesota State Academies (MSA) provides equal educational opportunity for all students and does not unlawfully discriminate on the basis of sex, gender, or gender identity. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex, gender, or gender identity.
- B. It is the responsibility of every MSA employee to comply with this policy.
- C. The MSA Governing Board hereby designates the Superintendent as its Title IX coordinator. This employee coordinates the MSA efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex, gender, or gender identity discrimination by a teacher, administrator or other school employee, or any person with knowledge or belief of conduct which may constitute unlawful sex, gender, or gender identity discrimination toward a student should report the alleged acts immediately to an appropriate MSA official designated by this policy or may file a grievance. MSA encourages the reporting party or complainant to use the report form available from the Director of each school or available from the Superintendent's office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex, gender, or gender identity discrimination toward a student directly to a school district human rights officer or to the Superintendent.
- B. At MSAB or MSAD. The Director is the person responsible for receiving oral or written reports or grievances of unlawful sex, gender, or gender identity discrimination toward a student at MSAB or MSAD. Any MSA employee who receives a report of unlawful

sex, gender, or gender identity discrimination toward a student shall inform the Director immediately.

- C. Upon receipt of a report or grievance, the Director must notify the MSA human rights officer immediately, without screening or investigating the report. The Director may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the director to the human rights officer. If the report was given verbally, the director shall personally document it into written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex, gender, or gender identity discrimination toward a student as provided herein may result in disciplinary action against the director. If the complaint involves the director, the complaint shall be made or filed directly with the Superintendent or the MSA human rights officer by the reporting party or complainant.
- D. The MSA board hereby designates the MSA's Human Resources Coordinator as the MSA human rights officer to receive reports, complaints or grievances of unlawful sex, gender, or gender identity discrimination toward a student. If the complaint involves the human rights officer, the complaint shall be filed directly with the Superintendent.
- E. MSA shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex, gender, or gender identity discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. MSA will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the MSA's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of MSA, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex, gender, or gender identity discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by MSA officials or by a third party designated by MSA.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, MSA should consider the surrounding circumstances, the nature of the behavior, past

incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

- D. In addition, MSA may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators, or other school personnel pending completion of an investigation of alleged unlawful sex, gender, or gender identity discrimination toward a student.
- E. The investigation will be completed as soon as practicable. MSA's human rights officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the MSA Governing Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. MINNESOTA STATE ACADEMIES ACTION

- A. Upon conclusion of the investigation and receipt of a report, MSA will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. MSA action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and MSA policies.
- B. The result of MSA investigation of each complaint filed under these procedures will be reported in writing to the complainant by MSA in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

MSA will discipline or take appropriate action against any pupil, teacher, administrator or other Academies personnel who retaliates against any person who reports alleged unlawful sex, gender, or gender identity discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex, gender, or gender identity discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.

- B. MSA shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References:

Minn. Stat. § 121A.04 (Athletic Programs; Sex, Gender, or Gender Identity Discrimination)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

Cross References:

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Appendices:

Appendix 522-A (Report Form)

Policy #: 526
Title: HAZING PROHIBITION
Date of Initial Approval: 03-17-2004
Revision/Re-authorization Dates: 11-18-2010; 01-23-2014; 06-12-2018
Reviewers: MSA Superintendent; MSAB/MSAD Directors; Director of Student Support Services; MSA Human Resources Office

I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students that is free from hazing. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing activities of any type are inconsistent with the educational goals of the Minnesota State Academies (MSA) and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor, or other employee of MSA shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of MSA shall permit, condone or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with MSA's policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to, exclusion from MSA property and events and/or termination of services and/or contracts.

- F. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at any school location, at school functions or activities, or on school transportation.
- G. A person who engages in an act that violates MSA policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- H. MSA will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of MSA who is found to have violated this policy.

III. DEFINITIONS

- A. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 - 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or MSA policies or regulations.
- B. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

- C. "School Locations" include any school building or grounds, whether leased, rented, owned, or controlled by the school; locations of school activities or trips; bus stops; school buses or school vehicles; school-contracted vehicles; the area of entrance or departure from school premises or events; all locations where school-related functions are conducted; and any locations or activities where students are under the jurisdiction of MSA.

IV. REPORTING PROCEDURES

- A. Any person who believes they have been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate MSA official designated by this policy. A person may report hazing anonymously. However, MSA may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The campus director or designee is the person responsible for receiving reports of hazing on each campus. Any person may also report hazing directly to the MSA human rights officer or the superintendent. If the complaint involves the campus director or designee, the complaint shall be made or filed directly with the superintendent or the MSA human rights officer by the reporting party or complainant. The person receiving the report shall ensure that this policy and its procedures, practices, consequences, and/or sanctions are fairly and fully implemented.
- C. Teachers, administrators, volunteers, contractors and other employees of MSA shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing, and inform the campus director or designee immediately. MSA personnel who fail to inform the campus director or designee of conduct that may constitute hazing in a timely manner may be subject to disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational/work environments.
- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. MSA will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MSA's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. MINNESOTA STATE ACADEMIES ACTION

- A. Upon receipt of a complaint or report of hazing, MSA shall undertake or authorize an investigation by MSA officials, or a third party designated by MSA administrators.
- B. MSA may take immediate steps, at its discretion, to protect the target or victim of the hazing, the complainant, the reporter, students, or others pending completion of an investigation of alleged hazing prohibited by this policy.
- C. Upon completion of the investigation that determines hazing has occurred, MSA will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. MSA action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, and MSA policies/regulations.
- D. MSA is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MSA. MSA officials will notify the parent(s) or guardian(s) of students involved in a hazing incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.
- E. In order to prevent or to respond to hazing committed by or directed against a child with a disability, MSA shall, when determined appropriate by the child's individualized education program (IEP) team, allow the child's IEP to be drafted to address the skills and proficiencies the child needs to respond to or not to engage in hazing.

VI. RETALIATION OR REPRISAL

MSA will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of MSA who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing, or who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct.

VII. DISSEMINATION OF POLICY

This policy shall appear in the MSA Parent-Student Handbook and be distributed to each student/family at the beginning of each school year or at the time of enrollment. The director of each campus shall discuss this policy with students and employees annually at the beginning of the school year.

Legal References:

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

Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)

Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])

Policy #: 532
Title: USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS
Date of Initial Approval: 03-17-2004
Revision/Re-authorization Dates: 01-23-2014; 06-12-2018
Reviewers: MSA Superintendent; MSAB/MSAD Directors; MSA Director of Student Support Services

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from the grounds of the Minnesota State Academies (MSA).

II. GENERAL STATEMENT OF POLICY

MSA is committed to promoting learning environments that are safe for all members of the school community. We further believe that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

All students, including those with IEPs, are subject to the terms of MSA's discipline policy. MSA administrators and designees have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates MSA's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of MSA administrators and designees, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP.
- B. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.

- C. "Police liaison officer" is a peace officer who, pursuant to an agreement between MSA and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- D. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the MSA administration in each school building that have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The MSA administrator or designee shall serve as the leader of the crisis team.
- E. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. "Emergency" means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury, emotional abuse due to verbal and nonverbal gestures, or to prevent severe property damage.
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the MSA administrator in charge may request that the police liaison officer or a peace officer remove the student from school grounds. To the fullest extent possible, the police liaison officer/peace officer should be informed to bring their own ASL-English interpreter if they are responding to a situation involving a deaf, hard-of-hearing, or deafblind student, especially if the situation may involve further criminal charges.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, MSA personnel may report a crime committed by a student with an IEP to appropriate authorities. If MSA reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and MSA Policy #515: *Protection and Privacy of Pupil Records*.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In removing a student with an IEP from school grounds, MSA administrators, other crisis team members, or the police liaison officer or other agents of the Minnesota State Academies, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

In removing a student with an IEP from school grounds, police liaison officers and MSA personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minn. Stat. § 121A.58;
2. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain as an aversive procedure;
3. Totally or partially restricting a student's senses as punishment (study carrels may be used as an academic intervention if identified in the student's IEP);
4. Denying or restricting a child's access to equipment and devices such as walkers, canes, wheel chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Stat. § 626.556;
6. Physical holding (as defined in Minn. Stat. § 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat,

neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;

7. Presenting intense sounds, lights, faradic skin shocks, or other sensory stimuli (such as noxious smell, taste, substance, or sprays) as an aversive stimulus;
8. Withholding regularly scheduled meals or water; and/or
9. Denying a student access to toilet facilities.

D. Parental Notification and Reporting

The MSA administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal. Consistent with MSA Policy# 543, all appropriate incident/restraint reports must be completed.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP, including frequent review/revisions of the student's Behavior Intervention Plan (BIP).

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If MSA seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP/BIP authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minn. Stat § 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942. Any restrictive procedures must also comply with MSA Policy #543 – Crisis Prevention Intervention. If the crisis team initiates use of restrictive procedures in an emergency, the student's IEP team shall meet as soon as possible, but no later than five (5) school days after emergency procedures have commenced to review the incident and recommend changes, if any, to the student's IEP/BIP.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of prone restraints.

By June 30 of each year, MSA must report summary data on the use of restrictive procedures to the MDE, in a form and manner determined by the Commissioner. The summary data must include information about the use of restrictive procedures, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability. This information must also be shared with the MSA Board within the school's annual report.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.67, Subd. 2 (Aversive and Deprivation Procedures)
Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy (FERPA))
20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))
34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)

Cross References:

MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 806 (Crisis Management Policy)
MSA Policy 506 (Student Discipline)
MSA Policy 515 (Protection and Privacy of Pupil Records)
MSA Policy 543 (Crisis Prevention Intervention)
MSA Policy 806 (Crisis Management Policy)

Policy #: 616
Title: SCHOOL DISTRICT SYSTEM ACCOUNTABILITY
Date of Initial Approval: 04-27-2017
Revision/Re-authorization Dates: 06-12-2018; 11-29-2018; 09-16-2020
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

I. PURPOSE

The purpose of this policy is to develop strategies and educational programming aligned with best practices, which promotes higher academic achievement for all students and ensures broad-based community participation in decisions regarding the implementation of the Minnesota Academic Standards.

II. GENERAL STATEMENT OF POLICY

Implementation of the Minnesota Academic Standards will require a new level of accountability for the Minnesota State Academies (MSA). MSA will establish a process to ensure adherence to the graduation requirements of the Minnesota Academic Standards. MSA will implement a system to review and improve instruction, curriculum, and assessment which includes substantial input by students, parents/guardians, and community members. MSA will be accountable to the public and the state through annual reporting.

III. DEFINITIONS

A. **“Credit”** means a student’s successful completion of a course of study or a student’s mastery of the applicable subject matter, as determined by MSA.

B. **“Graduation Standards”** means the credit requirements and Minnesota Academic Standards that school districts must offer and certify that students complete to be eligible for a high school diploma.

C. **“World’s Best Workforce”** means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

IV. ESTABLISHMENT OF GOALS, IMPLEMENTATION, EVALUATION, AND REPORTING

A. School District Goals

1. The MSA board will establish district-wide goals which provide broad direction for the Academies. Incorporated in these goals are the graduation and education standards contained in the Minnesota Academic Standards. The broad goals shall be reviewed annually and approved by the MSA board. The MSA board shall adopt annual goals based on the recommendations of

the School Accountability Committee (Advisory Committee for Comprehensive Continuous Improvement of Student Achievement).

2. The district goals should address recommendations identified through the School Accountability Committee process. MSA's goal setting process will include consideration of individual campus goals. MSA's district goals should be based on an evaluation of student progress, effectiveness of instructional approaches, and review of curriculum resources and materials.

B. School Accountability Committee

1. By September 30th of each year, the School Accountability Committee will meet to advise and assist the Academies in the implementation of the school district system accountability and comprehensive continuous improvement process.

2. The School Accountability Committee, working in cooperation with other committees of MSA, such as the Technology Committee and/or the Site Councils of both Academies, will provide active community participation in:

a. Reviewing the Academies' instructional and curriculum plan, with emphasis on implementing the Minnesota Graduation Standards, including review and approval of courses;

b. Reviewing and updating the Academies' annual Work's Best Workforce Report

c. Identifying annual instruction and curriculum improvement goals for recommendation to the MSA board;

d. Making recommendations regarding the evaluation process that will be used to measure the Academies' progress toward its goals;

e. Advising the MSA administration about development of the annual budget.

3. The School Accountability Committee shall meet the following criteria:

a. The School Accountability Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.

b. The School Accountability Committee shall make recommendations to the MSA board on district-wide standards, assessments, and program evaluation. These recommendations should be reviewed by each Academy's site council prior to submission to the board.

c. Sub-committees may be created to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to implement

use of technology in meeting the district improvement plan. Sub-committees that focus on development/updates of curricular content and materials must include one board member.

d. The Academies may develop separate plans appropriate to each Academy's population to evaluate student progress and shall use information gained from those assessments to ensure student progress towards meeting Graduation Standards.

4. The School Accountability Committee shall be comprised of representatives from each Academy (parent and student representatives are mandated members of this committee) and shall reflect the diversity of the school community.

Included in its membership should be:

- a. The Directors of each Academy
- b. The Director of Student Support Services (or designee)
- c. One representative from each Academy Site Council
- d. One parent from each Academy
- e. School District Assessment Coordinator (if different than "a" or "b" above.)
- f. One student from each Academy

**A person cannot serve in more than one role on this committee (except for the school district assessment coordinator)*

5. The School Accountability Committee shall utilize the timeline below for each school year:

Beginning of the school year: Review the authorizing legislation and the roles and responsibilities of the committee as determined by the MSA board. Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.

End of the school year: Review evaluation results and prepare recommendations. Present recommendations to the school board for its input and approval.

Regularly throughout the year: The Directors shall submit progress reports to the Board about activities of the Academies promoting progress towards meeting annual school goals.

C. System for Reviewing All Instruction and Curriculum.

Incorporated in the process of establishing district goals will be analysis of the Academies' progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account instructional strategies, best/effective practices, student outcomes, and principal evaluations under *Minn. Stat. § 123B.147, Subd. 3, and teacher evaluations under Minn. Stat. § 122A.40, Subd. 8, or 122A.41, Subd. 5.* The School Accountability Committee shall establish a schedule for regular and comprehensive review of each curricular area.

D. Implementation of Graduation Requirements

1. The School Accountability Committee will also serve as MSA's Graduation Standards Implementation Committee and shall advise the MSA board on implementation of the state and local graduation requirements, including consideration of MSA's K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of this committee shall be posted as a part of the MSA board packet. The MSA board shall receive public input and comment and shall adopt or update this policy annually.

2. The MSA board shall annually review and determine if student achievement levels at each Academy meet federal expectations. If the board determines that student achievement levels at an Academy do not meet federal expectations and the site has not made adequate yearly progress for two consecutive school years, the School Accountability Committee shall work with the Academy Directors to implement a plan to raise student achievement levels to meet federal expectations. The School Accountability Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) or their staff in developing a plan which must include parental involvement components.

3. The educational assessment system component utilized by the Academies to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or district wide assessments. The MSA board will utilize models appropriate to MSA's student population for measuring individual student progress. The MSA board will also coordinate with MDE in evaluating student progress on statewide assessments.

E. Evaluation of Student Progress Committee.

The Directors of each Academy, the Special Education Director, and the District Assessment Coordinator (if different than the Directors) shall develop a plan for assessment of student progress toward the Graduation Standards, and gathering program evaluation data for use by the School Accountability Committee in the instruction and curriculum review process.

F. Educational Planning and Assessment System.

Each Academy Director, working in conjunction with the School Accountability Committee, must select assessments appropriate to MSA's student population to provide a longitudinal, systematic approach to student educational and career planning, assessment, instructional support, and evaluation.

G. Reporting.

Annually, the MSA board shall invite community members to a board meeting to review and revise, where appropriate, student achievement goals, assessment outcomes, plans, strategies, and practices for improving curriculum and instruction, and to review each Academy's success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to the world's best workforce. The MSA Board shall publish a report on the MSA website with updated student achievement goals and plans/strategies for achievement of those goals. The Academies shall periodically survey affected constituencies about their connection to and level of satisfaction with school and include the results within its summary report.

Legal References:

- Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)
- Minn. Stat. § 120B.018 (Definitions)
- Minn. Stat. § 120B.11 (School District Process)
- Minn. Stat. § 120B.128 (Educational Planning and Assessment System (EPAS) Program)
- Minn. Stat. § 120B.35 (Student Achievement Levels)
- Minn. Stat. § 120B.36 (School Accountability; Appeals Process)
- Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)
- Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)
- Minn. Stat. § 123B.04 (Site Decision Making Agreement)
- Minn. Stat. § 123B.147, Subd. 3 (Principals)
- Minn. Stat. § 125A.62, Subd.5 (Planning, evaluation, and reporting)
- Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
- Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
- Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)
- Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)
- Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

Cross References:

- MSBA/MASA Model Policy 104 (School District Mission Statement)
- MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
- MSBA/MASA Model Policy 613 (Graduation Requirements)
- MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
- MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
- MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)
- MSBA/MASA Model Policy 618 (Assessment of Student Achievement)
- MSBA/MASA Model Policy 619 (Staff Development for Standards)
- MSBA/MASA Model Policy 620 (Credit for Learning)