

Regular Meeting  
Monday, March 7, 2022 6:30 PM

Teaching & Learning Center, Becker High  
School  
12000 Hancock Street  
Becker, MN 55308

## **Agenda**

1. PROCEDURAL ITEMS
  - 1.A. Call to Order
  - 1.B. Pledge of Allegiance
  - 1.C. Agenda
  - 1.D. Recognition of Visitors and Public Forum
  - 1.E. Presentations
2. REPORTS
  - 2.A. Student Report
  - 2.B. Superintendent's Report
  - 2.C. Committee Reports
  - 2.D. Board & Administrator
3. CONSENT AGENDA
  - 3.A. Minutes
  - 3.B. Financial Report
  - 3.C. Disbursements
  - 3.D. Personnel
  - 3.E. Propose School Calendar Change
4. GIFTS
5. FIRST READINGS
6. ADJOURN



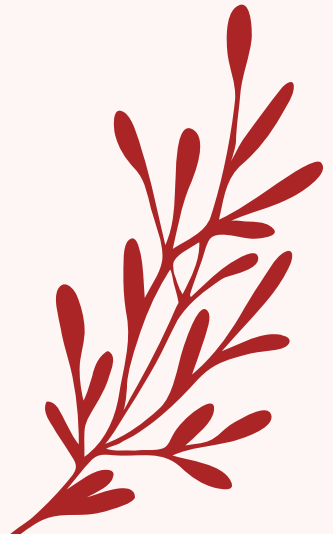
# Standards and Curriculum

Presentation to Becker PTSA  
November 16, 2021

# Goals:

Standards and curriculum development is a complex process. The goals of this presentation are:

- Understand the standards development process done by the Minnesota Department of Education (MDE)
- Understand the curriculum review cycle implemented at Becker Public Schools.
- Understand the role of the District Curriculum Advisory Committee.





# Academic Standards

MN Statute 120B.2 and 120B.21

# Standards

The Minnesota K-12 Academic Standards are the statewide expectations for student learning in K-12 public schools. School districts are required to put state standards into place so all students have access to high-quality content and instruction.



# What is a standard?

- An academic standard is a summary description of student learning in a content area.
- Academic standards are comprised of one or more benchmarks.
- A benchmark supplements the standard and is the specific knowledge or skill that a student must master to complete part of an academic standard by the end of a grade level or grade band.


[Understanding MN Academic Standards](#)

The Minnesota K-12 Academic Standards are the statewide expectations for student learning in K-12 public schools. All students, including students with unique learning needs, must meet the credit requirements and satisfactorily complete all state and local standards to graduate. The standards are satisfactorily completed through the demonstration of grade-level knowledge and skills in the benchmarks. Each content area of academic standards is reviewed and revised on a 10-year timeline set by the Minnesota legislature.

School districts and charter schools determine how their students will meet the standards and benchmarks by developing courses, curriculum and instruction.

**Academic standards are important because they:**

- Prepare students for success in careers, college and civic life.
- Work toward equity by describing the knowledge and skills that all students across the state must learn and by supporting a well-rounded education for all.
- Define state requirements for graduation.
- Guide school districts' and charter schools' adoption and design of curricula.
- Describe how learning progresses from kindergarten to high school.



**State of Minnesota**  
Sets learning destination


**Academic standard:** A summary description of student learning in a required content area or elective content area identified by state law.

**Benchmark:** The specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.

**Content Areas with State Developed Standards:**

- English Language Arts
- Mathematics
- Science
- Social Studies
- Physical Education
- The Arts\*

\*Schools can choose state or locally developed art standards.  
\*\*Not required for graduation.



**Local Public Schools**  
Determine how students will reach the destination

**Curriculum:** District or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge and skills.

**Instruction:** Methods of providing learning experiences that enable a student to meet state and district academic standards and graduation requirements including applied and experiential learning.

**Local Assessment:** Tools that educators use to evaluate, measure and document a student's progress toward and achievement of learning described in the standards and benchmarks.

**Content Areas with Local Developed Standards:**

- The Arts\*
- Career and Technical Education\*\*
- Health
- World Languages\*\* (Developed using current world languages standards developed by the American Council on the Teaching of Foreign Languages)

Learn more about [Minnesota's K-12 Academic Standards](#). Read [Frequently Asked Questions about Minnesota's K-12 Academic Standards](#).



# Standards Review Cycle

- Minnesota's academic standards are reviewed and revised on a 10-year cycle.
- One content area of academic standards is reviewed and revised each year based on a schedule approved by the Minnesota legislature.



The Minnesota K-12 Academic Standards are the statewide expectations for student learning in public schools. The standards supplemented by benchmarks identify the knowledge and skills that all students must achieve in a content area by the end of a grade level or grade band. Minnesota's academic standards are reviewed and revised on a 10-year cycle. One content area of academic standards is reviewed and revised each year based on a schedule approved by the Minnesota legislature.

School districts and charter schools determine how their students will meet the standards and benchmarks by developing courses and curriculum and choosing teaching methods. Local assessments are used to determine if students are meeting the standards and benchmarks.

### ● **Creating a Standards Committee**

Anyone may apply to serve on a standards review committee. The committee must have representation from the following groups: parents, licensed teachers who teach the content, principals, higher education faculty in the content area, school boards, the business community and the Tribal Nations Education Council (TNEC). The commissioner chooses 25-45 people from the pool of applicants and posts the roster on the specific academic standards content area webpages.

### ● **Committee Begins Review**

The committee examines educational research in the content area, studies standards from other states and national organizations, and seeks input from content and standards experts as it reviews and revises the standards. As they review and gain more information, the committee will continually revise, adjust and refine the standards. The committee's first draft of revised standards is an initial draft which focuses on the standards and changes will be made in each subsequent draft. The second draft revisions focus on the standards and the supplemental benchmarks. Benchmarks will not include examples. The committee may provide language for examples to support future implementation.

### ● **Collecting Public Comments**

The Standards Committee collects public input through online comments, meetings with stakeholder groups and town hall meetings. Comments are reviewed and help inform future drafts. *This phase may repeat, depending on the needs assessed by the Standards Committee.*

### ● **Working with Expert Reviewers**

Expert reviewers analyze the revised standards and provide feedback to the committee. Reviewers are people or groups who have been nationally recognized for their expertise in K-12 standards and/or their knowledge of special issues related to K-12 standards in the content area.

### ● **Committee Submits Final Draft to Commissioner**

The final draft of the revised standards is the committee's recommendation to the Education Commissioner. The full committee has concluded its review and revision work.

### ● **Standards Adoption Process**

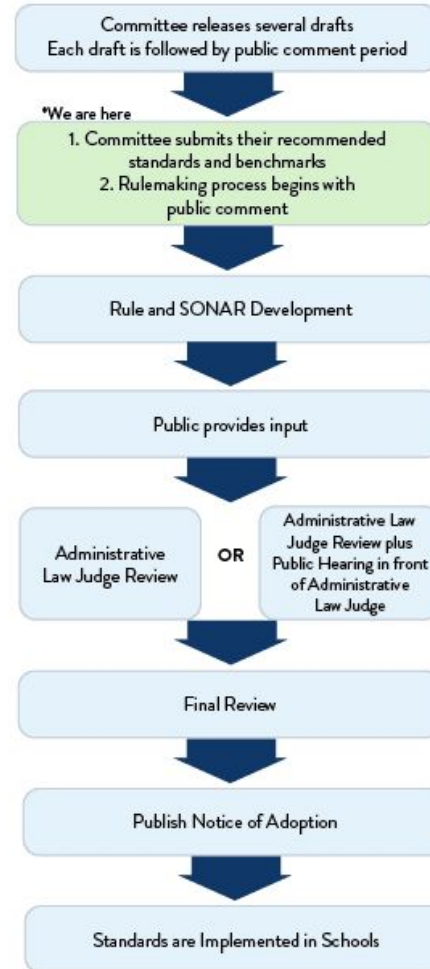
Once the Education Commissioner reviews and approves of the revised standards then begins the 11-24 month process of adopting the standards into administrative rule, which includes an opportunity for public input.

Learn more about [Minnesota's K-12 Academic Standards](#). Read [Frequently Asked Questions about Minnesota's K-12 Academic Standards](#).



# Rulemaking

- Multiple opportunities for public comment
- MDE reviews public comments
- Statement of Need and Reasonableness (SONAR)
- Notice of Adoption published in State Register



# Which content areas have MN academic standards?

## English Language Arts

Reading  
Writing  
Listening  
Speaking

## Mathematics

Number & Operation  
Algebra  
Geometry & Measurement  
Data & Probability

## Science

Physical  
Life  
Earth & Space  
Engineering

## Social Studies

Citizenship/Govt  
Economics  
History  
Geography

## Physical Education

Motor Skills  
Movement & Performance  
Physical Activity  
Healthy Choices

## The Arts

Dance  
Music  
Theater  
Visual/Media

# Updated Academic Standards Implementation Process

- Physical Education: 2023-24
- Arts: 2023-24
- Science: 2024-25
- English Language Arts: 2025-26
- Social Studies: TBD (likely 2026-27)
- Mathematics: TBD (likely 2027-28)



*"REVISED ACADEMIC STANDARDS IMPLEMENTATION SUSPENSION. Notwithstanding Minnesota Statutes, section 120B.021, the commissioner of education must suspend until June 1, 2023 any implementation of revised academic standards not already implemented as of January 1, 2021 under Minnesota Statutes, section 120B.021. This suspension does not prevent the commissioner from continuing with current rulemaking activities or developing future statewide assessments.*

*EFFECTIVE DATE. This section is effective the day following final enactment."*

# Other content areas with local standards:

## Health

National Health  
Education Standards

## World Languages

American Council of the  
Teaching of Foreign  
Languages

## Career and Technical Education

Business/Marketing  
FACS  
Health Science  
Trade & Industry

CTE standards are  
based on industry  
standards or state  
frameworks

# Why do the standards matter?

The academic standards are important because they help:

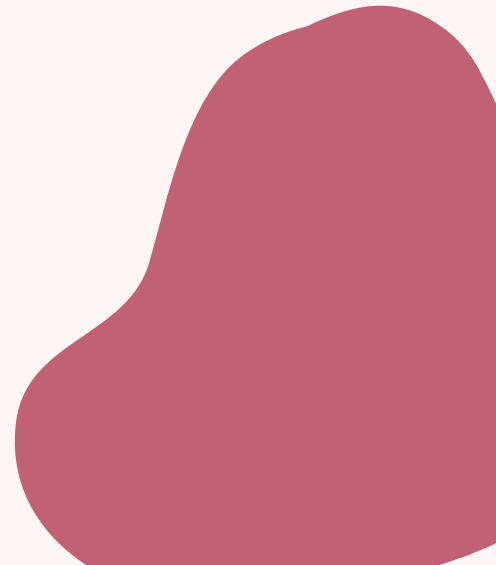
- Prepare students for success in careers, college, and civic life.
- Work toward equity: they describe the knowledge and skills that all students across the state should learn, and support a well-rounded education for all.
- Define credit requirements for graduation.
- Guide school districts adoption and design of curricula.
- Describe how learning progresses from Kindergarten to high school.

All students—including students with unique learning needs—must meet the credit requirements and satisfactorily complete all state and local standards in order to graduate.



# Curriculum

MN Statute 120B.021



# Standards, Instruction, and Curriculum

- Minnesota's academic standards identify the knowledge and skills that all students must achieve in a content area by the end of a grade level or grade band. This can be thought of as the “what” students must learn.
- Educators make the decisions on the “how” to deliver instruction on the standards.
- Curriculum is the resources and plans that educators need to present the content to students.

# Standards and Curriculum

By statute (Minn. Stat. § 120B.021, subd. 2(b)), Minnesota academic standards do not require a specific curriculum. Districts, schools, and educators make curriculum and instruction decisions to support the teaching and student mastery of standards.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	Review Standards & Best Practices	Reiew Methods & Materials - Present to DAC - Purchase June	Implementation - Reflection	Monitor & Adjust	Monitor & Adjust	Review Standards & Best Practices	Reiew Methods & Materials - Present to DAC - Update June	Implementation - Reflection	Monitor & Adjust	Monitor & Adjust
2020-2021	Physical Education & Health	Arts	MS Science - MDE rollout with full implementation 2024-2025	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5
2021-2022	Science	Physical Education & Health	Arts - MDE Implementarion 2021-2022 (or 2022-2023)	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5
2022-2023	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8
2023-2024	Language Arts 6-8	Language Arts K-5	Science - MDE rollout with full implementation 2024-2025	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies
2024-2025	Social Studies	Language Arts 6-8	Language Arts K-5 - MDE implementation 2025-2026	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics
2025-2026	Mathematics	Social Studies	Language Arts 6-8 - MDE implementation 2024-2025	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12
2026-2027	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention
2027-2028	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE
2028-2029	World Language & CTE	SEL EL SPED Intervention	English 9-12 - MDE mplementation 2024-2025	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health	Arts
2029-2030	Physical Education & Health	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health
2030-2031	Arts	Physical Education & Health	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science

# Steps in the Curriculum Review Cycle

## **Year 1: Research, Planning, and Design**

- Review available data to identify strengths and area for improvement
- Analyze new standards (state or national)
- Compare new standards to old standards
  - Identify what is the same/different
  - Compare new standards to data review results
- Identify strengths of current program and areas for improvement
  - Research trends and issues that affect the subject area
  - Investigate best practices
  - Identify model programs or experts to consult
  - Conduct school visits to observe programs and make comparisons

# Steps in the Curriculum Review Cycle

## **Year 2: Review instructional Methods and Materials**

- Review improvement plan - what do we plan to accomplish?
- Develop an implementation plan
- Create a standards-based alignment chart and identify units of study
- Unpack standards
- Review materials (including digital resources) for purchase
  - Choose to supplement existing materials, purchase new materials, write curriculum
  - List the pros and cons of each
- Identify professional development needs to support implementation

# Adoption of Curriculum Resources

The District Curriculum Advisory Committee (DCAC) serves as a communication link between the school and the community.

School Content Curriculum Committees inform the DCAC during the curriculum adoption process.

Before implementation of new content curriculum resources, school content curriculum committees present their findings and the chosen recommendations for curriculum resources to the school board for approval.



# Steps in the Curriculum Review Cycle

## **Year 3: Implementation**

- Provide appropriate professional development for staff on content and/or instructional strategies
- Implement new material and/or instructional strategies
- Continue to align curriculum; linking standards, resources, and assessments
- Continue to unpack standards
- Identify essential learner outcomes for appropriate grades/classes
- In the spring, review alignment charts to ensure coverage of standards and make necessary revisions (curriculum, instruction, pacing)

# Steps in the Curriculum Review Cycle

## **Year 4: Monitor and Adjust**

- Implement revisions and update alignment charts
- Update curriculum templates
- Design standards-based common formative assessments using a variety of types - focus on essential learning outcomes
- Examine data and gather teacher input on effectiveness of programming
- Continue to unpack standards
- Make necessary revisions (curriculum, instruction, pacing) - update alignment charts

# Steps in the Curriculum Review Cycle

## **Year 5: Monitor and Adjust**

- Implement revisions and update alignment charts
- Design standards-based common formative assessments using a variety of types - focus on essential learning outcomes

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	Review Standards & Best Practices	Reiew Methods & Materials - Present to DAC - Purchase June	Implementation - Reflection	Monitor & Adjust	Monitor & Adjust	Review Standards & Best Practices	Reiew Methods & Materials - Present to DAC - Update June	Implementation - Reflection	Monitor & Adjust	Monitor & Adjust
2020-2021	Physical Education & Health	Arts	MS Science - MDE rollout with full implementation 2024-2025	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5
2021-2022	Science	Physical Education & Health	Arts - MDE Implementarion 2021-2022 (or 2022-2023)	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5
2022-2023	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8
2023-2024	Language Arts 6-8	Language Arts K-5	Science - MDE rollout with full implementation 2024-2025	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies
2024-2025	Social Studies	Language Arts 6-8	Language Arts K-5 - MDE implementation 2025-2026	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics
2025-2026	Mathematics	Social Studies	Language Arts 6-8 - MDE implementation 2024-2025	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention	English 9-12
2026-2027	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE	SEL EL SPED Intervention
2027-2028	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health	Arts	World Language & CTE
2028-2029	World Language & CTE	SEL EL SPED Intervention	English 9-12 - MDE mplementation 2024-2025	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health	Arts
2029-2030	Physical Education & Health	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science	Physical Education & Health
2030-2031	Arts	Physical Education & Health	World Language & CTE	SEL EL SPED Intervention	English 9-12	Mathematics	Social Studies	Language Arts 6-8	Language Arts K-5	Science

## Grade 6 English/Language Arts Scope and Sequence

Resources Key:

**\*\*Individual standards break-down and "I Can" Statements can be found in the 6th Grade English Curriculum Binder\*\***

SOA: Skyward Online Assessment

LB: McDougall-Littel Textbook (Large Yellow)

IRW: Interactive Reader Writer (Yellow Journal)

### Interactive Notebooks: Literature Practice and Assess

Standard Key:

F = Fiction

NF = Nonfiction

SL = Speaking & Listening

W = Writing

L =

Language

## September-MEA

Reading Unit and Objectives	Additional Resources	Duration	Standard #(s) refer to individual standard sheets for learning goals and vocab What do we want them to know?	Formative Assessments How do we know if they know it? What will we do if they do/don't "get it?"	Summative Assessments How do we know if they know it?	Writing
<b>8:35 - 9:05 - all students - with homeroom teacher - all year</b>  Vocabulary in Context (2 days a week)		30 minutes every day	6.11.4.4 Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 6 reading and content, choosing flexibly from a			

# Curriculum Templates

Most curriculum areas have course templates located on the Becker Public School website. (Departments - Curriculum and Instruction - Curriculum - Content Area).





# District Curriculum Advisory Committee

MN Statute 120B.11

# Purpose of the District Curriculum Advisory Committee (DCAC):

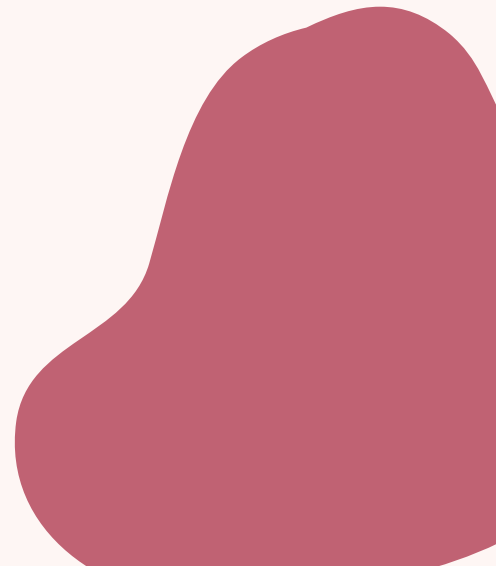
The purpose of the District Curriculum Advisory Committee (DCAC) is to serve in an advisory capacity to the school district and to serve as a communication link between the schools and communities which constitute the school district.

# DCAC members:

- Promote school activities
- React to new school programs and activities
- Encourage and promote District unity through support of district-wide programs and activities
- Serve as a liaison between district and school sites with regards to student concerns, parent concerns, community concerns, administrative concerns, and local school concerns



Questions?





# Thanks!

## **Minda Anderson**

Assistant Superintendent  
Becker Public Schools  
763-261-6327  
manderson2@isd726.org



CREDITS: This presentation template was created by Slidesgo, including icons by Flaticon, and infographics & images by Freepik





Chair Swanson called the organizational meeting of the School Board of District #726 to order on the 7th day of February, 2022 at 6:30 p.m. in the Teaching & Learning Center.

**Roll Call.**

**Members present:** Aaron Jurek, Cindy Graham, Ryan Obermoller, Connie Robinson, Sara Schafer, Mark Swanson

**Members absent:** None

**Others present:** Jeremy Schmidt, Superintendent & Kevin Januszewski, Director of Business Services

**ONE BOOK, ONE SCHOOL, ONE COMMUNITY**, presented by Chantel Boyer, Ted Aleckson

**CITIZEN COMMENTS:** Shelly Clemen

**REPORTS**, Student Representatives, Superintendent Schmidt, Activities, Project Oversight, and ECFE Committees.

Motion by Ryan Obermoller, seconded by Aaron Jurek, to **Approve the Consent Agenda** as presented:

Motion carried unanimously.

**CONSENT AGENDA**

**MINUTES FROM THE JANUARY 3, 2022 REGULAR SCHOOL BOARD MEETING**

**FINANCIAL REPORT**

**EXPENDITURES**

Fund	2021-22		2021-22		Remaining Budget	%
	Budget	January 2022	Year-to-Date	Spent		
General	35,337,094	3,831,492	17,300,830	18,036,264	48.96%	
Food Service	1,732,509	162,134	832,427	900,082	48.05%	
Community Service	1,543,562	148,133	869,427	674,135	56.33%	
Debt Service	3,426,201	3,007,393	3,421,701	4,500	99.87%	
	<b>\$ 42,039,366</b>	<b>\$ 7,149,152</b>	<b>\$ 22,424,385</b>	<b>\$ 19,614,981</b>	<b>53.34%</b>	

**DISBURSEMENTS** – in the amount of \$5,327,327.52

**PERSONNEL**

Name	Status	Job Title	Location	Hrs Per Day/FTE	Group	Replacing	Effective	Wage
Ahsenmacher, Laurel	Additional Minutes Per Day	Cook Asst.	Food Service	15 Minutes	MultiUnit	n/a	01/03/22	Use Current
Babler, Ruth	Resignation	Van Driver	Bus Garage	4 Hours Per Day	Transportation	n/a	01/31/22	n/a
Bender, Katrina	Additional Minutes Per Day	Lead Cook	Food Service	15 Minutes	MultiUnit	n/a	01/03/22	Use Current

Bengtson, Hokan	New	JV Boys Basketball Coach	HS	Seasonal	BEA - Schedule C	J. Liljequist	01/03/22	\$2,247 Per Season
Hoff, Frank	Resignation	Night Custodian	HS	8 Hours Per Day	MultiUnit	n/a	02/02/22	n/a
Johnson, Erlinda	Additional Minutes Per Day	Cook Asst.	Food Service	15 Minutes	MultiUnit	n/a	01/03/22	Use Current
Kaiawe, Glenn	New	Night Custodian	HS	8 Hours Per Day	MultiUnit	S. Backlund	1/31/22	\$20.30 Per Hour
Knudsen, Brett	New	Varsity Baseball Asst. Coach	HS	Seasonal	BEA - Schedule C	M. Eigen	3/21/2022	\$2,803 Per Season
Kolbinger, Rebecca	Additional Minutes Per Day	Cashier	Food Service	15 Minutes	MultiUnit	n/a	01/03/22	Use Current
Lorentz, Jennifer	New	HR Director	District Office	8 Hours Per Day	Individual	n/a	3/14/2022	\$90,000 Annually
McCormick, Diana	Resignation	Food Service Worker	IS	2.5 Hours Per Day	NonUnion	n/a	1/20/2022	n/a
Mergens, Kari	Correction in Starting Salary	SLP	IS	1 FTE	BEA	S. Schaefer	8/30/2021	MA Lane, Step 10: \$62,172
Miller, Kelly	Resignation	Ala Carte Asst. Cook	MS	6.75 Hours Per Day	MultiUnit	n/a	11/9/2021	n/a
Nelson, Jennifer	Additional Minutes Per Day	Lead Cook	Food Service	15 Minutes	MultiUnit	n/a	01/03/22	Use Current
Nelson, Megan	Change in Assignment	Camp Opportunity Lead Staff	Camp Opportunity	35-38 Hours Per Week	Camp Opportunity	n/a	11/1/21	\$15.72 Per Hour
Offerdahl, Denise	Additional FTE	Special Education Teacher	IS	.5 FTE	BEA	n/a	1/3/2022	Use Current
Robley, Janet	Additional Minutes Per Day	Lead Cook	Food Service	15 Minutes	MultiUnit	n/a	01/03/22	Use Current
Rowley, Angie	Additional Minutes Per Day	Lead Cook	Food Service	15 Minutes	MultiUnit	n/a	01/03/22	Use Current

Stang, Sydney	New	Lunchroom Supervisor	IS	2.5 Hours Per Day	NonUnion	C. Payne	01/03/22	\$14.25 Per Hour
Stroman, Brittany	Resignation	Special Education Paraprofessional	HS	6.75 Hours Per Day	MultiUnit	n/a	1/27/2022	n/a
Whitney, Brook	New Assignment	Health Asst.	PS	7 Hours Per Day	MultiUnit	R. Tschida	01/14/22	Use Current
Wilke, Katie	Change in Assignment	Camp Opportunity Lead Staff	Camp Opportunity	35-38 Hours Per Week	Camp Opportunity	n/a	12/17/21	\$15.72 Per Hour

**AIPAC ANNUAL COMPLIANCE**, as presented

**RESOLUTION DIRECTING THE ADMINISTRATION TO MAKE RECOMMENDATIONS FOR REDUCTIONS IN PROGRAMS AND POSITIONS AND REASONS THEREFORE**, as presented

Motion by Ryan Obermoller, seconded by Sarah Schafer, to Accept the Following Gifts:

Name	Gift	Purpose
Becker Lions	\$3,000	Dance Team
Becker Robotics Booster Club	\$2,330	Robotics
Country Lumber	\$250	Robotics
Everest Steel, Inc.	\$500	Softball
Grand Irrigation, Inc.	\$3,000	Robotics
Lutgen Siding	\$250	Robotics
MN Limited	\$500	Robotics
Monticello Social Unit	\$1,000	Robotics
Northern Metals Recycling	\$1,000	Robotics
Quick Results	\$40,000	Softball
TeamVantage Molding	\$500	Robotics
TJ Potter	\$250	Robotics

Upon roll call vote, motion carried unanimously.

Motion by Connie Robinson, seconded by Cindy Graham, to ***Approve Resolutions Series 2022A, 2022B.***  
Motion carried unanimously.

The meeting was **adjourned** at 7:24 p.m.

\_\_\_\_\_  
Mark Swanson, Chair

\_\_\_\_\_  
Ryan Obermoller, Clerk

Recorder: Angela Oswald



**BECKER PUBLIC SCHOOLS  
MONTHLY FINANCIAL REPORT  
February 2022**

**EXPENDITURES**

<b>Fund</b>	<b>2021-22 Budget</b>	<b>February 2022</b>	<b>2021-22 Year-to-Date</b>	<b>Remaining Budget</b>	<b>% Spent</b>
General	35,337,094	2,844,778	20,145,608	15,191,486	57.01%
Food Service	1,732,509	195,664	1,028,091	704,418	59.34%
Community Service	1,543,562	143,775	1,013,202	530,360	65.64%
Debt Service	3,426,201	3,650	3,425,351	850	99.98%
	<b>\$ 42,039,366</b>	<b>\$ 3,187,867</b>	<b>\$ 25,612,252</b>	<b>\$ 16,427,114</b>	<b>60.92%</b>

Name	Status	Job Title	Location	Hrs Per Day/FTE	Group	Replacing	Effective	Wage
Anderson, Ashley	End of Assignment	Special Education Paraprofessional	MS	7 Hours Per Day	MultiUnit	n/a	03/02/22	n/a
Fossan, Emily	New	Food Service Worker	HS	2 Hours, 25 Min Per Day	NonUnion	C. Bauer	02/23/22	\$15.00 Per Hour
Gunderson, Brittany	Resignation	Principal Secretary	HS	8 Hours Per Day	MultiUnit	n/a	03/11/22	n/a
Heimerl, Dayna	New	Girls Track & Field Coach	MS	Seasonal	BEA - Schedule C	C. Doucette	4/5/22	\$1,131 Per Season
Kendall, Beth	Resignation	Special Education Teacher	HS	1 FTE	BEA	n/a	End of 21-22 School Year	n/a
Olson, Dan	New	Asst. Golf Coach	HS	Seasonal	BEA - Schedule C	S. Whittaker	03/21/22	\$2,887 Per Season
Otto, Bethany	New	Girls Track & Field Coach	MS	Seasonal	BEA - Schedule C	C. Doucette	04/05/22	\$1,131 Per Season
Schrupp, Stephennee	New	Special Education Paraprofessional	HS	6.75 Hours Per Day	MultiUnit	B. Stroman	02/23/22	\$17.34 Per Hour
Schultz, Jackie	New	Homebound Instructor	IS	6 Hours Per Week	BEA	n/a	2/21/22 - End of School Year	
Stuhl, Laura	New	ECSE Long Term Substitute	PS	1 FTE	BEA	N. Stenberg	2/14/22 - 5/6/22	BA Lane / Step 1: \$13,247.94
Tegels, Tami	New	Server	IS	2.5 Hours Per Day	NonUnion	n/a	03/07/22	\$15.00 Per Hour
Wangerin, Becky	New	ECSE Paraprofessional	PS	3.75 Hours Per Day x 3 Days Per Week	NonUnion	n/a	2/9/22 - 5/18/22	\$15.00 Per Hour

Name	Gift	Purpose
Becker Band Booster Club	\$7,200	Nashville trip money
Becker Lions Club	\$1,200	Speech Team Expenses
Headley, Montgomery	\$500	Robotics Team
Liberty Paper Inc.	\$3,500	Robotics Team
Majestic Creations	360 T-Shirts	Staff Recognition

Adopted: September 22, 2003

Revised: June 1, 2015

**206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS  
OUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY  
CONSIDERATIONS**

**I. PURPOSE**

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school board is to encourage discussion by persons of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

**III. DEFINITIONS**

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:
  - Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- C. Personnel data on current and former applicants for employment that is “public” includes:  

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, “finalist” means an individual who is selected to be interviewed by the appointing authority prior to selection.
- D. “Educational data” means data maintained by the school district which relates to a student.
- E. “Student” means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.
- F. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant’s application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

**IV. RIGHTS TO PRIVACY**

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
  - 1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
  - 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
  - 3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
  - 4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
  - 1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
  - 2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);

3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

## V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The school board will strive to give all persons an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

## VI. PROCEDURES

### A. Agenda Items

1. Persons who wish to have a subject discussed at a public school board meeting are encouraged to notify the superintendent's office in advance of the school board meeting. The person should provide his or her name, the name of group represented (if any), and the subject to be covered or the issue to be addressed.
2. Persons who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain.
3. The school board chair will recognize one speaker at a time and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
4. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
5. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
6. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
8. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

### B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.

2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

C. Open Forum

The school board shall normally provide a specified period of time when persons may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

D. No Board Action at Same Meeting

Except as determined by the school board to be necessary or in an emergency, the school board will not take action at the same meeting on an item raised for the first time by the public.

**VII. PENALTIES FOR VIOLATION OF DATA PRIVACY**

- A. The school district is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

**Legal References:**

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
 Minn. Stat. § 13.43 (Personnel Data)  
 Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)  
 Minn. Stat. § 13D.05 (Meetings Having Data Classified as Public)  
 Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures; Closed or Open Meeting)  
 Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond)  
 Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination; Hearing Procedures)  
 Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)  
 Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts; Employees; Contracts for Services)  
 Minn. Stat. § 123B.143, Subd. 2 (Superintendents; Disclose Past Buyouts or Contract is Void)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
Minn. Op. Atty. Gen. 852 (July 14, 2006)

***Cross References:***

Policy 205 (Open Meetings and Closed Meetings)  
Policy 207 (Public Hearings)  
Policy 406 (Public and Private Personnel Data)  
Policy 515 (Protection and Privacy of Pupil Records)  
MSBA School Law Bulletin “C” (Minnesota’s Open Meeting Law)  
MSBA School Law Bulletin “I” (School Records – Privacy – Access to Data)

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

MSBA/MASA Model Policy 208

Orig. 1995

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

Rev. 2022

## **208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES**

*[Note: The provisions of this policy are recommendations. The procedures for policy development, adoption, and implementation are not specifically provided by statute.]*

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to be an ongoing effort.

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

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

### **III. DEVELOPMENT OF POLICY**

- A. The school board has jurisdiction to legislate policy with the force and effect of law for the school district. School district policy provides the school board's general direction for the school district while delegating policy implementation to the administration.
- B. The school district's policies provide guidelines and goals to the school community. The policies are the basis for guidelines and directives created by the administration. The school board shall determine the effectiveness of policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a school board member, employee, student, or resident of the school district. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the school board agenda.

### **IV. ADOPTION AND REVIEW OF POLICY**

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at a meeting after the two meetings at which public input was received. The policy will be effective on the latter of the date of

passage or the date stated in the motion.

- C. In an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board in a single meeting. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The policy adopted in an emergency shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

## **V. IMPLEMENTATION OF AND ACCESS TO POLICY**

- A. The superintendent shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. Each school board member shall have access to school district policies. A copy of the school district policies shall be placed in the office of each school attendance center and in the central school district office and shall be available for reference purposes to other interested persons.
- C. The superintendent, employees designated by the superintendent, and individual school board members shall be responsible for keeping the policy current.
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; and 806 Crisis Management Policy.
- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the mission, educational philosophy, and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the need for a policy and present a recommended policy to the school board for

approval.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

***Cross References:*** MSBA/MASA Model Policy 305 (Policy Implementation)

*Adopted:* June 4, 2012

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

**211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT**

**I. PURPOSE**

The purpose of this policy is to provide guidance about the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

**II. GENERAL STATEMENT OF POLICY**

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreements and school district policies may also apply.

**III. CIVIL ACTIONS**

- A. Pursuant to Minnesota Statutes section 466.07, subd. 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that the school board member or employee was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minnesota Statutes Section 123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district must provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.

C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13 and to the Family Educational Rights and Privacy Act, 20 United States Code § 1232g, and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, the employee will inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official designated as the responsible authority for the collection, use, and dissemination of data.

D. Service of Subpoenas

School district officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

**IV. CRIMINAL CHARGES OR CONDUCT**

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.
3. Pursuant to Minnesota Statutes section 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision whether to reimburse shall be made in the school board's discretion. A school board member who is a witness or an alleged victim

in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. To promote that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless extenuating circumstances exist, the matter being investigated is school-related, or as otherwise provided by law.
2. If questioning at school is unavoidable, the school district will attempt to maintain confidentiality to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (Minnesota Statutes section 260E.22 ), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act) and 20 United States Code section. 1232g (FERPA).

**V. STATEMENTS WHEN LITIGATION IS PENDING**

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel; Reimbursement)

Minn. Stat. § 123B.25(b) (Legal Actions Against Districts and Teachers)  
Minn. Stat. § 260E.22 (Interviews)  
Minn. Stat. § 466.07, Subd. 1 (Indemnification)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)  
Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)  
*Dypress v. School Committee of Boston*, 446 N.E.2d 1099 (Mass. App. Ct. 1983)  
*Wood v. Strickland*, 420 U.S. 308(1975)

***Cross References:*** Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Policy 406 (Public and Private Personnel Data)  
Policy 408 (Subpoena of a School District Employee)  
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Policy 506 (Student Discipline)  
Policy 515 (Protection and Privacy of Pupil Records)

*Adopted:* June 4, 2012

*Revised:*

## **423 EMPLOYEE-STUDENT RELATIONSHIPS**

### **I. PURPOSE**

The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

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

A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.

B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.

C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of the school district and must be mindful of their authority and influence over students.

D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.

E. Other actions that violate this policy include, but are not limited to, the following:

1. Dating students.
2. Having any interaction/activity of a sexual nature with a student.
3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.
4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.

F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships.

G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.

H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

### **III. REPORTING AND INVESTIGATION**

A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with the School District Complaint Policy unless other specific complaint procedures are provided within any other policy of the school district.

B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

### **IV. SCHOOL DISTRICT ACTION**

Upon receipt of a report, 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. It also may include reporting to appropriate state or federal authorities, including the Board of Teaching or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

### **V. SCOPE OF LIABILITY**

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the school district is not required to defend and indemnify the employee for damages in school-related litigation.

**Legal References:** Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)  
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting to Professional Educator Licensing and Standards Board or Board of School Administrators)  
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)

Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)  
Minn. Rules Part 8710.2100 (Code of Ethics for Minnesota Teachers)

***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 306 (Administrator Code of Ethics)  
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 421 (Gifts to Employees)  
MSBA/MASA Model Policy 507 (Corporal Punishment)

Adopted: April 3, 2006

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

## **519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES**

### **I. PURPOSE**

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

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

A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.

B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

### **III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT**

A. In the case of an investigation pursuant to the Reporting of Maltreatment of Minors Act, Minnesota Statutes Chapter 260E, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.

B. If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to Minnesota Statutes Chapter 260E (c) may specify that school district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.

C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that

an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property 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 district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district 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, unless a school employee or agent is alleged to have maltreated the child. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.

- D. School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.
- E. Students shall not be taken from school district property without the consent of the principal and without proper warrant.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

**Cross References:** MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

*Adopted:* May 15, 2006

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

**532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS**

**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 school grounds.

**II. GENERAL STATEMENT OF POLICY**

The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes 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.

In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators 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 the school district's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, 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 or an individual interagency intervention plan (IIIP).
- 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 the school district 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 building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building 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 where immediate intervention is needed to protect a child or other individual from physical injury.
- 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 school building’s crisis team, building administrator, or the building

administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

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, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district 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 school district's policy, 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, a building administrator, other crisis team members, or the police liaison officer or other agents of the school district, 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 school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minnesota Statutes section 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, 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 Minnesota Statutes Chapter 260E;
6. Physical holding (as defined in Minnesota Statutes section 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. Withholding regularly scheduled meals or water; and/or
8. Denying a child access to toilet facilities.

D. Parental Notification

The building 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.

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 or IIIP.

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 the school district 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, IIIP, or behavior intervention plan 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 Minnesota Statutes section 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942.

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 seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, 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.

**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)

*Adopted: June 5, 2006*

*Revised: August 7, 2017, February 22, 2022*

## **533 WELLNESS**

### **I. PURPOSE**

The purpose of this policy is to set forth methods that promote student wellness, prevent and reduce childhood obesity, and assure that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum local, state, and federal standards.

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

- A. The school board recognizes that nutrition promotion and education, physical activity, and other school-based activities that promote student wellness are essential components of the educational process and that good health fosters student attendance and education.
- B. The school environment should promote and protect students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. The school district encourages the involvement of students, parents, teachers, food service staff, school health professionals, the school board, school administrators, and the general public in development, implementation, and periodic review and update of the school districts' wellness policy.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- F. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

### **III. WELLNESS GOALS**

#### **A. Nutrition Education and Promotion**

1. The school district will encourage and support healthy eating by students and engage in nutrition promotion that is:
  - a. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
  - b. part of health education classes as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and

- c. enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
2. The school district will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte/snack lines, vending machines, fundraising events, concession stands, and student stores.
3. The staff involved in nutrition education will be adequately prepared and participate in regular professional development activities to effectively deliver current nutrition education programs. Preparation and professional development activities will provide evidenced-based knowledge of nutrition and instructional techniques and strategies designed to promote healthy eating.
4. The school cafeteria will serve as a “learning laboratory” to allow students to apply nutrition skills taught in the classroom.
5. Schools will provide nutrition education to foster lifelong habits in healthy eating, and will establish connections between health education and school meal options.

## B. Physical Activity

1. The physical education curriculum for grades K-12 will be aligned with established state physical education standards.
2. All students are to engage in the physical education program as required by grade level requirements unless otherwise exempt. When physical education is included in a students schedule, the following minimum minutes per week are required:
  - a. Elementary: 150 minutes
  - b. Middle School/High School: 225 minutes
3. Physical education for grades K-12 is required to be taught by a licensed teacher who is endorsed to teach physical education.
4. Annual professional development opportunities focused on topics and competencies specifically for physical education teachers will be offered.
5. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities such as watching television.
  - a. Becker Schools encourages students who live within a walkable/bikeable distance to school to do so. The elementary schools provide crossing guards for students walking or biking to school as well as areas for students to park their bikes.
6. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.
  - a. Elementary schools should provide students with 20 minutes per day of

recess play when weather permits.

7. Singling out or assigning students physical activity as a consequence is discouraged. Staff are allowed to use physical activity as a reward when feasible.

#### C. Communications with Parents

1. The school district recognizes that parents and guardians have a primary and fundamental role in promoting and protecting their children's health and well-being.
2. The school district will support parents' efforts to provide a healthy diet and daily physical activity for their children.
3. The school district encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
4. The school district will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

#### D. Employee Wellness

1. District employees are encouraged to model healthy eating, physical activity, and mental health by participating in wellness challenges and events offered throughout the year by the District Wellness Committee.
2. Employees are encouraged to purchase school meals and snacks through the Food Service Department, which are balanced, nutritious, and models healthy eating and food choices for students.

### IV. STANDARDS AND NUTRITION GUIDELINES

#### A. School Meals

1. The school district will provide healthy and safe school meal programs that comply with all applicable federal, state, and local laws, rules, regulations, and nutrition standards as can be found at <https://www.fns.usda.gov/>
2. All schools will provide breakfast through the USDA School Breakfast Program (SBP) and Lunch through the National School Lunch Program (NSLP).
3. Food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that will meet the health and nutrition needs of the students. Students will be encouraged to try new foods through taste testing and encouragement during the serving process.
4. Food service personnel are encouraged to source and serve Minnesota grown and raised foods where practicable.
5. Food service personnel will try and accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.

6. Food service personnel will provide clean, safe, and pleasant settings and adequate time for students to eat.

7. Students will be provided free access to drinking water during meal times and throughout the school day. Students are also allowed to bring in bottled water from home.

8. Food service personnel will take every measure to ensure that student access to foods and beverages meets or exceeds all applicable federal, state, and local laws, rules, and regulations that reimbursable school meals meet USDA nutrition standards.

9. All foods prepared and made available in school cafeterias shall comply with the state and location food safety and sanitation regulations. Hazard Analysis Critical Control Points (HACCP) plans and Standard Operating Procedures are utilized to prevent food borne illness in schools. For the safety and security of the food and facility, access to the food preparation areas is limited to food service personnel.

10. The school district will make every effort to eliminate any social stigma attached to, and prevent the overt identification of students who are eligible for free and reduced-price school meals.

11. Schools will avoid stigmatizing students who are unable to pay for their meal or have an outstanding negative meal balance. All students requesting a reimbursable meal will be served.

12. Applications for free/reduced prices meals are sent home to all families at the beginning of the school year. The application is also available on the district website and can be completed online or printed and submitted to any school office.

13. Students will be provided access to hand washing or hand sanitizing before they eat meals or snacks.

14. The school district will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.

15. The school district will discourage tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities.

## B. School Food Service Program/Personnel

1. The superintendent shall designate an appropriate person to be responsible for the school district's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA guidelines. The designee shall meet the minimum educational requirements as defined by the USDA program requirements.
2. As part of the school district's responsibility to operate a food service program, the school district will provide continuing professional development for all food service personnel in schools. The training provided will meet the minimum number of hours as defined by the Professional Standards in USDA program requirements.

### C. Competitive Foods and Beverages

1. All foods and beverages sold on school grounds to students outside of reimbursable meals are considered ‘competitive foods’. Competitive foods include items sold a la carte in the cafeteria, from vending machines, school stores, and for in-school fundraisers.
2. All competitive foods will meet the USDA Smart Snacks in Schools (Smart Snacks) nutrition standards and any applicable state nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits. <https://www.fns.usda.gov/tn/guide-smart-snacks-school>
3. Before and Aftercare (childcare) programs must also comply with the school district’s nutrition standards unless they are reimbursable under the USDA school meals program, in which case they must comply with all applicable USDA standards.

### D. Other Foods and Beverages Made Available to Students

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus, including those foods provided through:
  - i. Celebrations and parties. The school district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.
  - ii. Classroom snacks brought in by parents. The school district will provide to parents a list of suggested foods and beverages that meet Smart Snack nutrition standards.
2. Rewards and incentives. Schools will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by the student’s individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.
3. Fundraising. The school district will make available to parents and teachers a list of suggested healthy fundraising ideas.

### E. Food and Beverage Marketing in Schools

1. School-based marketing will be consistent with nutrition education and health promotion.
2. ~~Schools will restrict food and beverage marketing to the promotion of only those foods and beverages that meet the Smart Snacks nutrition standards.~~ **An effort will be made to remove advertising of food and beverages that are not available for sale and/or do not meet Smart Snack nutrition standards in district schools. Food and beverage marketing/promotion should be consistent with Smart Snack nutrition standards.**

## V. WELLNESS LEADERSHIP AND COMMUNITY INVOLVEMENT

#### A. Wellness Coordinator

1. The superintendent will designate a school district ~~office~~ **official** to oversee the school district's wellness-related activities (Wellness Coordinator). The Wellness Coordinator will ensure that each school implements the policy.
2. The principal of each school, or designated school official, will ensure compliance within the school and will report to the Wellness Coordinator regarding compliance matters upon request.

#### B. Public Involvement

1. The Wellness Coordinator will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review of the wellness policy.
2. The Wellness Coordinator will hold meetings, from time to time, for the purpose of discussing the development, implementation, and periodic review and update of the wellness policy.

### **VI. POLICY IMPLEMENTATION AND MONITORING**

#### A. Implementation and Publication

1. After approval by the school board, the wellness policy will be implemented throughout the school district.
2. The school district will post its wellness policy on its website under district policies.

#### B. Annual Reporting

The Wellness Coordinator will annually inform the public about the content and implementation of the wellness policy and make the policy and any updates to the policy available to the public.

#### C. Triennial Assessment

1. At least once every three years, the school district will evaluate compliance with the wellness policy to assess the implementation of the policy and create a report that includes the following information:
  - a. The extent to which schools under jurisdiction of the school district are in compliance with the wellness policy;
  - b. The extent to which the school district's wellness policy compares to the model local wellness policies; and
  - c. A description of the progress made in attaining the goals of the schools district's wellness policy.
2. The Wellness Coordinator will be responsible for conducting the triennial assessment.

3. The triennial assessment report shall be posted on the school district's website or otherwise made available to the public.

#### D. Recordkeeping

The school district will retain records to document compliance with the requirements of the wellness policy. The records to be retained include, but are not limited to:

1. The school district's written wellness policy.
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public.
3. Documentation of the triennial assessment of the local school wellness policy for each school under the school district's jurisdiction efforts to review and update the wellness policy (including an indication of who is involved in the update and methods the school district uses to make stakeholders aware of their ability to participate on the Wellness Committee).

**Legal References:** Minn. Stat. § 121A.215 (Local School District Wellness Policy) 42  
U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
42 U.S.C. § 1758b (Local School Wellness Policy)  
42 U.S.C. § 1771 *et seq.* (Child Nutrition Act of 1966)  
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)  
7 C.F.R. § 210.10 (School Lunch Program Regulations)  
7 C.F.R. § 220.8 (School Breakfast Program Regulations)

#### **Local Resources:**

- Minnesota Department of Education, [www.education.state.mn.us](http://www.education.state.mn.us)
- Minnesota Department of Health, [www.health.state.mn.us](http://www.health.state.mn.us)
- County Health Departments
- Action for Healthy Kids Minnesota, [www.actionforhealthykids.org](http://www.actionforhealthykids.org)
- United States Department of Agriculture, [www.fns.usda.gov](http://www.fns.usda.gov),  
<https://www.fns.usda.gov/tn/guide-smart-snacks-school>

Adopted: February 9, 2004:

MSBA/MASA Model Policy 603

Orig. 1995

Revised: September, 2019:

Rev. 2022

## 603 CURRICULUM DEVELOPMENT

~~*[Note: Minnesota Statutes section 120B.11 requires school districts to adopt a comprehensive long-term strategic plan that addresses the review of curriculum, instruction, student achievement, and assessment. MSBA/MASA Model Policies 601, 603, and 616 address these statutory requirements. In addition, MSBA/MASA Model Policies 613-615 and 618-620 provide procedures to further implement the requirements of Minnesota Statutes section 120B.11.]*~~

### I. PURPOSE

The purpose of this policy is to provide direction for continuous review and improvement of the school curriculum.

### II. GENERAL STATEMENT OF POLICY

Curriculum development shall be directed toward the fulfillment of the goals and objectives of the education program of the school district.

### III. RESPONSIBILITY

- A. The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research on the school district's curriculum needs and establishing a long range curriculum development program. Timelines shall be determined by the superintendent that will provide for periodic reviews of each curriculum area.
- B. A district advisory committee shall provide assistance at the request of the superintendent. The advisory committee membership shall be a reflection of the community and, to the extent possible, shall reflect the diversity of the district and its school sites, and shall include parent, teacher, support staff, student, community residents, and administration representation, and shall provide translation to the extent appropriate and practicable. Whenever possible, parents and other community residents shall comprise at least two-thirds of advisory committee members.
- C. Within the ongoing process of curriculum development, the following needs shall be addressed:
  - 1. Provide for articulation of courses of study from kindergarten through grade twelve.
  - 2. Identify minimum objectives for each course and at each elementary grade

level.

3. Provide for continuing evaluation of programs for the purpose of attaining school district objectives.
  4. Provide a program for ongoing monitoring of student progress.
  5. Provide for specific, particular, and special needs of all members of the student community.
  6. Develop a local literacy plan to have every child reading at or above grade level no later than the end of grade 3, including English learners, and teachers providing comprehensive, scientifically based reading instruction consistent with law.
  7. Integrate required and elective course standards in the scope and sequence of the district curriculum.
  8. Meet all applicable requirements of the Minnesota Department of Education and federal law.
- D. Students identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must be screened for characteristics of dyslexia. Students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher must be screened for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified. See Minnesota Statutes section 120B.12, Subd. 2.
- E. Students who do not meet or exceed Minnesota academic standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of Minnesota Statutes section 120A.20, Subd. 1(c). A student's plan under this section shall continue while the student is enrolled.
- F. The superintendent shall be responsible for keeping the school board informed of all state-mandated curriculum changes, as well as recommended discretionary changes, and for periodically presenting recommended modifications for school board review and approval.
- G. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to curriculum development.

**Legal References:** Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.12 (Reading Proficiently No Later than the End of Grade 3)

Minn. Stat. § 120B.125(f) (Planning for Students' Successful Transition to Postsecondary Education and Employment)  
Minn. Rules Part 3500.0550 (Inclusive Educational Program)  
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 Part 3501.0820 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)  
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

***Cross References:***

~~MSBA/MASA Model~~ Policy 604 (Instructional Curriculum)  
~~MSBA/MASA Model~~ Policy 605 (Alternative Programs)  
~~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 616 (School District System Accountability)  
~~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)  
~~MSBA/MASA Model~~ Policy 623 (Mandatory Summer School Instruction)

*Adopted:* February 9, 2004

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

## **605 ALTERNATIVE PROGRAMS**

### **I. PURPOSE**

The purpose of this policy is to recognize the need for alternative educational services for some school district students.

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

The school board recognizes the importance of alternative educational services for some students. Circumstances may be such that some students are put at risk of being able to continue or to complete their education programs. It is the policy of the school district that options shall be made available for some students to select educational alternatives that will enhance their opportunity to complete their education programs, recognizing that some students may become successful learners if given an opportunity to learn in a different environment and through a different learning style.

### **III. RESPONSIBILITY**

- A. Any student who is 17 years old who seeks to withdraw from school, and the student's parent or guardian must attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities and sign a written election to withdraw from school.
- B. It shall be the responsibility of the superintendent to identify alternative educational opportunities to be made available to students who may be at risk, to recommend such alternative programs to the school board for approval, and to familiarize students and parents with the availability of such alternative educational services. The superintendent shall, through cooperative efforts with other schools, agencies, and organizations, periodically recommend additional or modified alternative educational services to the school board.
- C. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to alternative programs.

***Legal References:*** Minn. Stat. § 120A.22, Subd. 8 (Compulsory Instruction)  
Minn. Stat. § 121A.41, Subd. 11 (Definitions – Alternative Educational Services)  
Minn. Stat. § 121A.45, Subd. 1 (Grounds for Dismissal)  
Minn. Stat. § 123A.06 (State-Approved Alternative Programs and Services)

Minn. Stat. § 124D.66 (Assurance of Mastery Programs)  
Minn. Stat. § 124D.68 (Graduation Incentives Programs)  
Minn. Stat. § 124D.74 (American Indian Language and Cultural Educational Programs)  
Minn. Stat. § 125A.50 (Alternative Delivery of Specialized Instructional Services)

***Cross References:*** MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)

*Adopted:* February 9, 2004

*Revised:* July 1, 2013

## **606 TEXTBOOKS AND INSTRUCTIONAL MATERIALS**

### **I. PURPOSE**

The purpose of this policy is to provide direction for selection of textbooks and instructional materials.

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

The school board recognizes that selection of textbooks and instructional materials is a vital component of the school district's curriculum. The school board also recognizes that it has the authority to make final decisions on selection of all textbooks and instructional materials.

### **III. RESPONSIBILITY OF SELECTION**

- A. While the school board retains its authority to make final decisions on the selection of textbooks and instructional materials, the school board recognizes the expertise of the professional staff and the vital need of such staff to be primarily involved in the recommendation of textbooks and instructional materials. Accordingly, the school board delegates to the superintendent the responsibility to direct the professional staff in formulating recommendations to the school board on textbooks and other instructional materials.
- B. In reviewing textbooks and instructional materials during the selection process, the professional staff shall select materials that:
1. support the goals and objectives of the education programs;
  2. consider the needs, age, and maturity of students;
  3. foster respect and appreciation for cultural diversity and varied opinion;
  4. fit within the constraints of the school district budget;
  5. are in the English language. Another language may be used, pursuant to Minn. Stat. § 124D.61;
  6. permit grade-level instruction for students to read and study America's founding documents, including documents that contributed to the foundation or maintenance of America's representative form of limited government, the Bill of Rights, our free-market economic system, and patriotism; and

7. do not censor or restrain instruction in American or Minnesota state history or heritage based on religious references in original source documents, writings, speeches, proclamations, or records.
- C. The superintendent shall be responsible for developing procedures and guidelines to establish an orderly process for the review and recommendation of textbooks and other instructional materials by the professional staff. Such procedures and guidelines shall provide opportunity for input and consideration of the views of students, parents, and other interested members of the school district community. This procedure shall be coordinated with the school district's curriculum development effort and may utilize advisory committees.

#### **IV. SELECTION OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS**

- A. The superintendent shall be responsible for keeping the school board informed of progress on the part of staff and others involved in the textbook and other instructional materials review and selection process.
- B. The superintendent shall present a recommendation to the school board on the selection of textbooks and other instructional materials after completion of the review process as outlined in this policy.

#### **V. RECONSIDERATION OF TEXTBOOKS OR OTHER INSTRUCTIONAL MATERIALS**

- A. The school board recognizes differences of opinion on the part of some members of the school district community relating to certain areas of the instruction program. Interested persons may request an opportunity to review materials and submit a request for reconsideration of the use of certain textbooks or instructional materials.
- B. The superintendent shall be responsible for the development of guidelines and procedures to identify the steps to be followed to seek reconsideration of textbooks or other instructional materials.
- C. The superintendent shall present a procedure to the school board for review and approval regarding reconsideration of textbooks or other instructional materials. When approved by the school board, such procedure shall be an addendum to this policy.

**Legal References:** Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction – Knowledge and Skills)  
Minn. Stat. § 120B.235 (American Heritage Education)  
Minn. Stat. § 123B.02, Subd. 2 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.09, Subd. 8 (School Board Responsibilities)

Minn. Stat. § 124D.59-124D.61 (Education for English Learners Act)  
Minn. Stat. § 127A.10 (State Officials and School Board Members to be  
Disinterested; Penalty)

*Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988)

*Pratt v. Independent Sch. Dist. No. 831*, 670 F.2d 771 (8<sup>th</sup> Cir. 1982)

***Cross References:*** MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)

*Adopted: February 9, 2004*

*Revised: October 23, 2006*

## **607 ORGANIZATION OF GRADE LEVELS**

### **I. PURPOSE**

The purpose of this policy is to address the grade level organization of schools within the school district.

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

- A. It is the policy of the school district to address the groupings of grade levels as recognized in Minn. Stat. § 120A.05, as follows:

*Primary: Prekindergarten through 2*

*Intermediate Grades 3 through 5*

*Middle: Grades 6 through 8*

*Secondary: Grades 9 through 12*

- B. The superintendent may seek school board approval to administer certain programs on a nongraded basis or a design different from that indicated. Program proposals that seek school board approval must meet all state requirements and reflect the rationale for the modification.

- C. The school district may request documentation that verifies a student falls within the school's minimum and maximum age requirements for admission to publicly funded prekindergarten, preschool, kindergarten, or grades 1 through 12. Documentation may include a passport, a hospital birth record or physician's certificate, a baptismal or religious certificate, an adoption record, health records, immunization records, immigration records, previously verified school records, early childhood screening records, Minnesota Immunization Information Connection records, or an affidavit from a parent.

### **III. DEFINITIONS**

- A. "Kindergarten" means a program designed for students five years of age on September 1 of the calendar year in which the school year commences that prepares students to enter first grade the following school year.

- B. “Prekindergarten” means a program designed for students younger than five years of age on September 1 of the calendar year in which the school year commences that prepares student to enter kindergarten the following school year.

***Legal References:*** Minn. Stat. § 120A.05, Subds. 9, 11, 13, 17 (Public Schools)  
Minn. Stat. § 120A.20, Subd. 4 (Verification of Age for Admission to Public School)  
Minn. Stat. § 123B.02, Subd. 2 (General Powers of Independent School Districts)

*Adopted:* February 9, 2004

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

## **608 INSTRUCTIONAL SERVICES – SPECIAL EDUCATION**

### **I. PURPOSE**

The purpose of this policy is to set forth the position of the school board on the need for special educational services on the part of some students in the school district.

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

The school board recognizes that some students need special education and further recognizes the importance of providing a free appropriate public education and delivery system for students in need of special education.

### **III. RESPONSIBILITIES**

- A. The school board accepts its responsibility to identify, evaluate and provide special instruction and services for disabled children who are properly the responsibility of the school district and who meet the criteria to qualify for special instruction and services as set forth in Minnesota and federal law.
- B. The school district shall ensure that all qualified disabled children are provided the special instruction and services which are appropriate to their educational needs.
- C. When such services require or result from interagency cooperation, the school district shall participate in such interagency activities in compliance with law.

***Legal References:*** Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 125A.02 (Child with a Disability Defined)  
Minn. Stat. §§ 125A.027, 125A.03, 125A.08, 125A.15, and 125A.29  
(School District Obligations)  
29 U.S.C. § 794 *et seq.* (§ 504 of Rehabilitation Act of 1973)  
20 U.S.C. 1400 *et seq.* (IDEA, Individuals with Disabilities Education Act)

***Cross References:*** MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individual Education Plans)  
MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

*Adopted:* February 9, 2004

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

## **609 RELIGION**

### **I. PURPOSE**

The purpose of this policy is to identify the status of religion as it pertains to the programs of the school district.

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

- A. The school district shall neither promote nor disparage any religious belief or nonbelief. Instead, the school district encourages all students and employees to have appreciation for and tolerance of each other's views.
- B. The school district also recognizes that religion has had and is having a significant role in the social, cultural, political, and historical development of civilization.
- C. The school district recognizes that one of its educational objectives is to increase its students' knowledge and appreciation of music, art, drama, and literature which may have had a religious basis or origin as well as a secular importance.
- D. The school district supports the inclusion of religious music, art, drama, and literature in the curriculum and in school activities provided it is intrinsic to the learning experience and is presented in an objective manner without sectarian indoctrination.
- E. The historical and contemporary values and the origin of various religions, holidays, customs and beliefs may be explained in an unbiased and nonsectarian manner.

### **III. RESPONSIBILITY**

- A. ~~It shall be the responsibility of t~~The superintendent shall be responsible to ensure for ensuring that the study of religious materials, customs, beliefs and holidays in the school district is in keeping with the following guidelines:
  - 1. The proposed activity must have a secular purpose.
  - 2. The primary objective of the activity must be one that neither advances nor inhibits religion.
  - 3. The activity must not foster excessive governmental relationships with religion.

4. Notwithstanding the foregoing guidelines, reasonable efforts will be made to accommodate any student who wishes to be excused from attendance at school for the purpose of religious instruction or observance of religious holidays.
- B. The superintendent is granted authority to develop and present for school board review and approval directives and guidelines for the purpose of providing further guidance relative to the teaching of materials related to religion. Approved directives and guidelines shall be attached as an addendum to this policy.

**Legal References:** U. S. Const., amend. I  
Minn. Stat. § 120A.22, Subd. 12(3) (Compulsory Instruction)  
Minn. Stat. § 120A.35 (Absence From School for Religious Observance)  
Minn. Stat. § 121A.10 (Moment of Silence)  
*Good News Club v. Milford Central School*, 533 U.S. 98, 121 S.Ct. 2093, 150 L.Ed.2d 151 (2001)  
*Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 120 S.Ct. 2266 (2000)  
*Tangipahoa Parish Bd. of Educ. v. Freiler*, 530 U.S. 1251, 120 S.Ct. 2706 (2000)  
*Lemon v. Kurtzman*, 403 U.S.602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971)  
*Child Evangelism Fellowship v. Minneapolis Special Sch. Dist. No. 1*, 690 F.3d 996 (8<sup>th</sup> Cir. 2012)  
*Wigg v. Sioux Falls Sch. Dist.*, 382 F.3d 807 (8<sup>th</sup> Cir. 2004)  
*Doe v. School Dist. of City of Norfolk*, 340 F.3d 605 (8<sup>th</sup> Cir. 2003)  
*Stark v. Independent Sch. Dist. No. 640*, 123 F.3d 1068 (8<sup>th</sup> Cir. 1997)  
*Florey v. Sioux Falls Sch. Dist. 49-5*, 619 F.2d 1311 (8<sup>th</sup> Cir. 1980)  
*Roark v. South Iron R-1 Sch. Dist.*, 573 F.3d 556 (8<sup>th</sup> Cir. 2009)  
~~*Child Evangelism Fellowship v. Minneapolis Special Sch. Dist. No. 1*, F.Supp.2d \_\_\_\_\_ (D. Minn. 2011)~~  
*Child Evangelism Fellowship v. Elk River Area Sch. Dist. No. 728*, 599 F.Supp.2d 1136 (D. Minn. 2009)  
*LeVake v. Independent Sch. Dist. No. 656*, 625 N.W.2d 502 (Minn. App. 2001)  
Minn. Op. Atty. Gen. 169-J (Feb. 14, 1968) Minn. Op. Atty. Gen. 169-K (Oct. 21, 1949) Minn. Op. Atty. Gen. 63 (1940)  
Minn. Op. Atty. Gen. 120 (1924)  
Minn. Op. Atty. Gen. 121 (1924)

**Cross References:** Policy 801 (Equal Access to School Facilities)

# **PUBLIC DATA ACCESS REQUESTS**

## **1. PURPOSE**

Becker Public School District 726 (the “school district”) recognizes its responsibility for transparency and establishing physical data storage components that isolate non-public data from public data, collecting data, determining whether it is public nor non-public, storing the data in the appropriate data storage component, maintaining the data, and disseminating the data as provided in state statutes.

## **2. GENERAL STATEMENT OF POLICY**

The school district recognizes its responsibility to keep all records containing government data in a segregated arrangement between public and non-public data, and in such manner as to make all public data easily and conveniently accessible for access by the public while maintaining the privacy and security of all non-public data.

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data.

This policy will become effective on the date of its adoption by the school board.

## **3. DEFINITIONS**

### **A. Government Data**

“Government data” includes all recorded information that the school district has, including paper, email, flash drives, CDs, DVDs, photographs, etc. Full convenience and comprehensive accessibility shall be allowed to all “requesters” to access data to which they are permitted under this policy and in accordance with applicable state law.

For purposes of this policy, “Government data” shall include all instructional or training materials, or activities, used for staff and faculty training as well as all learning or curricular materials, or activities, used for student instruction and any procedures for the documentation, review, or approval of the training, learning, or curricular materials used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.

### **B. Requester**

“Requester” is defined as any individual who makes a request under this policy to access school district government data.

### C. Responsible Authority

“Responsible authority” means the individual designated by the school board as the individual responsible for collecting data, classifying data as public or as non-public pursuant to statute, or temporary classification pursuant to section of Minn. Stat. Section 13.06, or federal law, , storing the data in separate public and non-public storage components according to its classification, maintaining the data, disseminating the data, and arranging for inspection and or copying of data when requested. In storing non-public data, where practical, the responsible authority will also store a duplicate of the data in the public storage component with the confidential or non-public portions thereof redacted, in order that the public portions of such data may be released as public data. Until an individual is designated by the school board, the responsible authority is the superintendent.

### D. Inspection

“Inspection” means the in-person, visual inspection of data in its original form as it exists in the physical location in which it is stored by the school district regardless of whether the data is on paper or in a digital or electronic form such as files on a computer, email, flash drives, CDs, DVDs, or as photographs or microfilm.

Public data stored on paper must be made available for inspection by the requester on-site. Public data stored in digital or electronic files must be made available for inspection by the requester either (1) on-site, utilizing the school district’s equipment, (2) by downloading digital files from the school district’s computer directly to (a) the requester’s portable electronic computer equipment or (b) to the requester’s portable digital storage media (e.g. a “flash drive”), upon the examination and approval of such media by, and under the supervision of a designated school district employee, or (3) if the school district so provides, by means of internet access utilizing the requester’s own computer equipment.

A request for inspection and/or copy of the government data at reasonable times and places shall be granted and, upon request, the requester shall be informed of the data’s meaning. If a requester seeks access to data for the purpose of on-site inspection, the responsible authority may not assess a charge or request the requesting person to pay a fee to inspect data.

Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public’s own computer equipment.

### E. Public Data

“Public data” means all government data unless otherwise classified by statute, or temporary classification pursuant to section of Minn. Stat. Section 13.06, or federal law, as non-public or protected no public, or with respect to data on individuals as private or confidential.

## F. Summary Data

“Summary data” means a **summary of** statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities or any other characteristics that could **reasonably be used to** identify an individual. **Summary data shall presumptively be classified as public data.**

### 4. REQUEST FOR PUBLIC DATA

A. **If the district provides internet access to its public data, no request is required.** All other requests for public data must be made in writing directed to the responsible authority.

1. A request for public data must include the following information:

- a. Date the request is made;
- b. A **general** description of the data requested;
- c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
- d. Method to contact the requester (such as phone number, address, or email address).

2 A requester is not required to explain the reason for the data request **or justify a request to gain access to public government data.**

3 The identity of the requester is public, if provided, but cannot be required by the **school district. However, if the district provides internet access to public data, it may require a username and password.**

4. The responsible authority may seek clarification from the requester if the request is not **reasonably** clear before providing a response to the data request.

B. The responsible authority will respond to a data request at reasonable times and places as follows:

1. The responsible authority will notify the requester in writing as follows:

- a. The requested data does not exist; or
- b. The requested data does exist but either all or a portion of the data is not accessible to the requester; or

(i) If the responsible authority determines that the requested data is classified so that access to the requester is denied, the responsible authority will inform the requester of the determination in writing, as soon thereafter as possible, and

shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.

(ii) Upon the request of a requester who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

c. The requested data does exist and provide arrangements for **in person** inspection of the data **if so requested. If the requester requires printed copies of the data, provide the cost of such printing and** identify when the data will be available for pick-up, or indicate that **upon receipt of payment**, the data will be sent by mail. If the requester does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requester is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.

2. The school district's response time may be affected by the size and complexity of the request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.

3. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.

4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not **usually** keep the data in that form or arrangement **in the school district's ordinary and usual data collection practices.**

5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

## **5. REQUEST FOR SUMMARY DATA**

A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.

1. A request for the preparation of summary data must include the following information:

a. Date the request is made;

b. A clear description of the data requested;

c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and

d. Method to contact requester (phone number, address, or email address).

B. The responsible authority will respond within ~~ten (10)~~ **a reasonable period** of the receipt of a request to prepare summary data and inform the requester of the following:

1. The estimated costs of preparing the summary data, if any; and
2. The summary data requested; or
3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays, or
4. A written statement describing the reasons why the responsible authority has determined that the requester's access would compromise the private or confidential data.

C. The school district ~~may~~ **requires** the requester to pre-pay all ~~or a portion~~ of the cost of creating the summary data before the school district begins to prepare the summary data **in accordance with the policy provisions outlined below.**

## 6. COSTS

### A. Public Data **Costs**

1. **The requester may not be charged for any copies made by the school district if not specifically agreed to in writing by both the school district and the requester. Such agreement will include a good faith estimate by the school district of the costs involved and will promptly notify the requester if the actual costs will exceed the estimate and may only be charged if requester expressly agrees to the additional costs in writing.**

**Should such a written agreement is made between the school district and the request, the school district ~~may~~ will charge for copies provided as follows:**

a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.

b. More than 100 printed pages or copies on other materials **of printed data or printed pages of electronic or digital data** are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.

(1). The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).

(2). Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.

2. All charges must be paid for in cash in advance of receiving the copies.

## B. Summary Data Costs

1. Any costs incurred in the preparation of summary data shall be paid by the requester prior to preparing or supplying the summary data.
2. The school district may assess **reasonable** costs associated with the preparation of summary data as follows:
  - a. The **reasonable** cost of materials, including paper, the **reasonable** cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any **reasonable** special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
  - b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requester.

## 7. DATA PRACTICES AUDIT AND DISPUTE RESOLUTION

1. The responsible authority will commission an independent audit of all data subject to and governed by this policy at a minimum of every two years commencing with an initial independent audit commissioned within two (2) months of the adoption of this policy. The independent auditor will be selected by approval of the school board by majority vote. Upon completion of the data audit the independent auditor will certify to the school board the results of its audit, noting any material deficiencies of the implementation of this policy including but without limitation, any misclassification of data as to public or non-public.
2. Any disputes arising between a requester and the responsible authority from the implementation of this policy and its procedures will first be informally negotiated by the parties. If no resolution is reached the school board will convene a board meeting to attempt to mediate resolution of the dispute. If no resolution is reached the requester or the school district agree to seek an advisory opinion from the relevant state agency at no cost to the requester.
3. If no resolution between the requester and the responsible authority is reached after following the informal dispute resolution as stated above, then both parties are free to pursue whatever remedies are available under Minnesota law.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act); Minn. Rules Part s 1205.0100-1205.2000.

**Cross References:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)