

Regular Meeting *Ryan Hubbard
Attending From 3716 Coronado Dr., NW,
Williams, MN
Monday, July 8, 2024 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. Superintendent's Report
 - 2.B. Committee Reports
3. SUMMARY OF CLOSED SESSION FROM JUNE 3, 2024 REGULAR SCHOOL BOARD MEETING
4. CONSENT AGENDA
 - 4.A. Minutes
 - 4.B. Disbursements
 - 4.C. Personnel
 - 4.D. Handbooks
 - 4.E. Annual Wellness Report
 - 4.F. Administrator's Contract 24-25
 - 4.G. Child Care Coordinator Contract 24-25
5. GIFTS
6. RESOLUTION ESTABLISHING DATES FOR FILING AFFIDAVITS OF CANDIDACY
7. MSHSL APPLICATION FOR COOPERATIVE SPONSORSHIP FOR ALPINE SKI
8. POLICY REVIEW
9. ADJOURN

Becker School District Strategic Goals Policy #223



Strategic Plan

Belief Statements

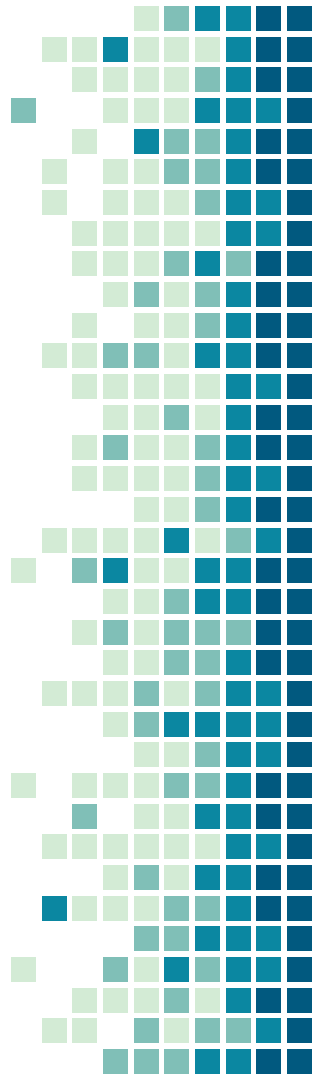
We believe that everyone is unique, has worth, deserves respect, and can learn and excel in an environment tailored to their needs.

We believe that it is the responsibility of every school to provide a respectful, physically and emotionally safe and secure learning environment for everyone.

We believe that critical thinking and problem-solving skills are fundamental to preparing students for their future.

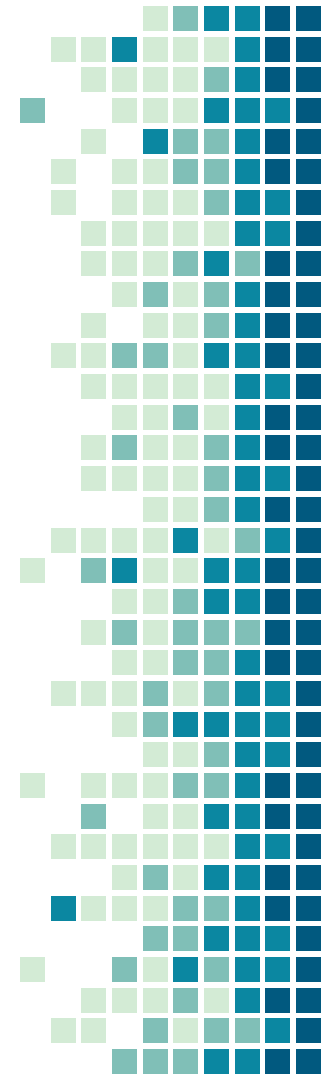
We believe in the potential of all students to succeed in an ever-changing world.

We believe in the value and importance of student involvement in activities to create well-rounded citizens.



Strategic Plan Mission Statement

**Developing Self-Directed
Learners to Thrive in a
Changing Global Community**



Strategic Plan Focus Areas

STRATEGIC PLAN FOCUS AREAS

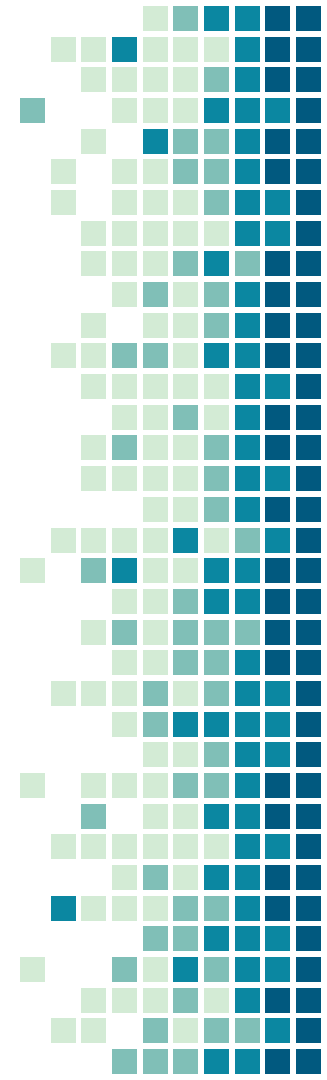
**Student
Growth and
Achievement**

**Safety
and
Well Being**

**Staff
Development
and Support**

**Family and
Community
Engagement**

**Effective
Resource
Management**



Instructional/Academics

Goal 1: Effective and relevant instruction meeting the needs of all students to achieve the World's Best Workforce goals at Becker Public Schools.

Strategic Plan Objective 1.1: We will annually evaluate the success of meeting the five goals of the WBWF:

All students are school ready

All students reading at grade level

Closing the achievement gap for identified student groups

All students graduating career and college ready

All students graduating on time



WBWF Data Update

23-24 SY Goal	Progress Toward Goals	Action Plan
<p>80% of students enrolled in BPS early learning programs who are eligible to enter kindergarten in the fall of 2023 will be on track to score in “low risk” as measured by the FastBridge Early Reading assessment in the spring of 2024.</p>	<p>Spring 2024: 79%</p>	<ul style="list-style-type: none">• Heggerty Phonemic Awareness curriculum• LETRS training beginning 2024-2025 SY
<p>By the Spring of 2026, at least 70% of students enrolled in BPS will score at or above the grade level benchmark as measured by the FastBridge aReading or earlyReading assessment.</p>	<p>Progress: 32% made Aggressive Growth in grades 2-9</p>	<ul style="list-style-type: none">• K-5 Literacy curriculum implementation fall 2024• All K-5 classroom teachers LETRS trained by fall 2025
<p>The percentage of Becker students graduating from high school in four years will remain at or above 90% in 2024.</p>	<p>2023 Graduation Rate: 91.7%</p>	<ul style="list-style-type: none">• Strengthen differentiation & engagement• Course offerings & Pathways

Instructional/Academics

Goal 2: We will ensure all students receive a guaranteed and viable curriculum with aligned assessments and a consistent learning environment that meets the students' individual needs.

Strategic Plan Objective 2.1: During the 2022-23 school year, we will continue utilizing digital tools to support and enhance learning for all students and staff.



Instructional/Academics

Goal 2: We will ensure all students receive a guaranteed and viable curriculum with aligned assessments and a consistent learning environment that meets the students' individual needs.

Strategic Plan Objective 2.2: Ensure a consistent learning environment across the district to promote student success.



Instructional/Academics

Goal 3: Provide the resources necessary and remove barriers to create exceptional learning opportunities for all students through a safe, supportive, inclusive, and collaborative culture.

Strategic Plan Objective 3.1: Annual evaluation of procedures and protocols related to the safety of students, staff, and community within the Becker School District.

Strategic Plan Objective 3.2: During the 2022-23 school year, we will continue to utilize an extensive Multi-Tiered System of Supports (MTSS) process to address academic and behavior needs through frequent and early intervention.

Strategic Plan Objective 3.3: During the 2022-23 school year, we will continue addressing mental health needs through Social Emotional Learning (SEL) at a variety of levels.

Strategic Plan Objective 3.4: During the 2023-24 school year we will identify opportunities to strengthen our schools being a welcoming, safe, and supportive school climate.

Strategic Plan Objective 3.5: By the 2026-27 school year, we will enhance opportunities for students to explore interests and optimize abilities and potential.

Professional Development

Goal 4: Maintain a professional environment and culture that promotes engagement and staff development that allows for both staff and student success.

Strategic Plan Objective 4.1: Annually, provide ongoing feedback to all staff to support professional growth.

Strategic Plan Objective 4.2: Annually, provide opportunities for staff development to support the use of instructional technology tools to enhance teaching and learning.

Strategic Plan Objective 4.3: By the 2023-24 school year, we will refine the Teacher Development and Evaluation (TDE) plan to support professional development that focuses on promoting optimal learning opportunities for all students.

Strategic Plan Objective 4.4: During the 2023-24 school year, we will identify opportunities to strengthen and focus PLC's to enhance staff professional growth.

Family Outreach

Goal 5: Promote and celebrate the opportunities that make Becker School District a foundation of the community

Strategic Plan Objective 5.2: During the 2023-24 school year, we will create processes and a communication plan that creates a connection between all stakeholders in the district.



Human Resources

Goal 3: Provide the resources necessary and remove barriers to create exceptional learning opportunities for all students through a safe, supportive, inclusive, and collaborative culture.

Strategic Plan Objective 3.1: Annual evaluation of procedures and protocols related to the safety of students, staff, and community within the Becker School District.



Human Resources

Goal 3: Provide the resources necessary and remove barriers to create exceptional learning opportunities for all students through a safe, supportive, inclusive, and collaborative culture.

Strategic Plan Objective 3.4: During the 2023-24 school year we will identify opportunities to strengthen our schools being a welcoming, safe, and supportive school climate.



Professional Development

Goal 4: Maintain a professional environment and culture that promotes engagement and staff development that allows for both staff and student success.

Strategic Plan Objective 4.5: By June 30, 2024, we will create and implement a plan to recruit and retain highly qualified staff who reflect the needs of our district.



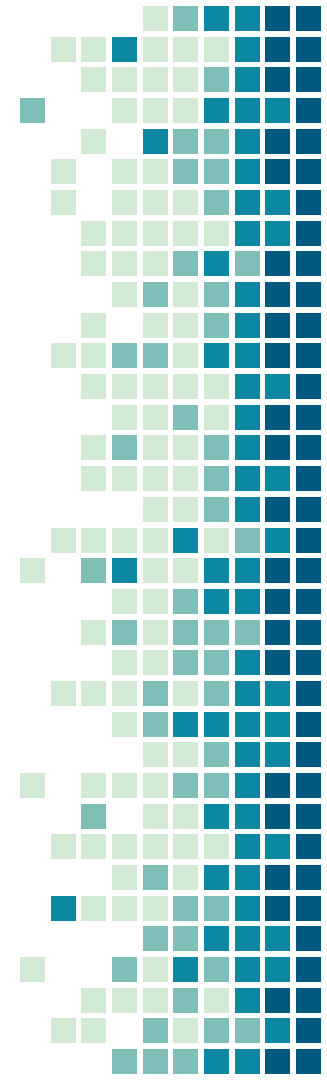
Transportation

At a glance:

-Safely transported students to and from school for nearly 250,000 miles, 30,000 trip miles, 80 Field Trips, 250 Sport Trips using almost 40,000 gallons of fuel.

Strategic Plan Objective 6.2: Annually, manage and monitor ongoing facility needs and use of space.

Strategic Plan Objective 4.1: Annually, provide ongoing feedback to all staff to support professional growth.



Activities Director

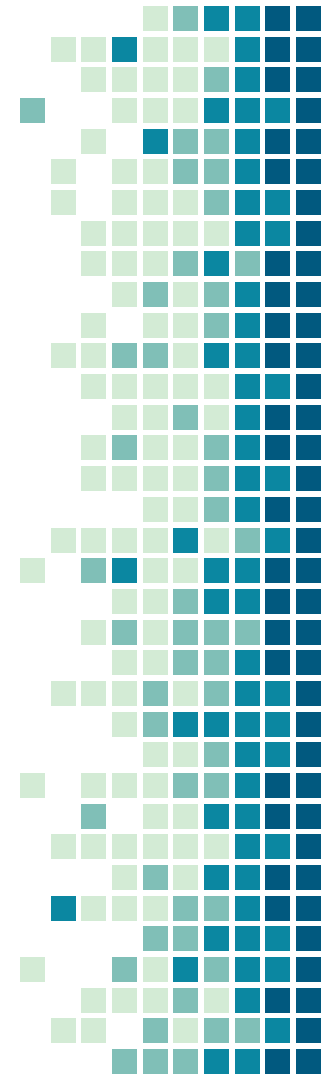


Bulldog Activities Mission: Instilling Key Life Principles For Success

We Believe That:

1. participation in high school activities helps to develop **positive attitudes, good citizenship, sportsmanship, a competitive spirit, and confidence**
2. student activities provide **life-long learning opportunities** for all students
3. student activities promote **perseverance**, thus helping our student participants face challenges with a “can do” attitude
4. student activities help to teach our student-athletes **resiliency** when experiencing a loss and thus, the ability to bounce back and continue to compete

Activities Director



Bulldog Activities Mission: Instilling Key Life Principles For Success

We Believe That:

5. student activities provide a program whereby the **safety** and **welfare** of the participants shall, at all times, be paramount to the outcome of the contest
6. student participants learn the value of **teamwork** through developing positive relationships with teammates, opponents, and coaches
7. student participants enhance **physical, mental, and spiritual well-being** through participation
8. the **character** of the student participant is enhanced through the successes and failures that come through participation

Activities Director

Goal 2: We will ensure all students receive a guaranteed and viable curriculum with aligned assessments and a consistent learning environment that meets the students' individual needs.

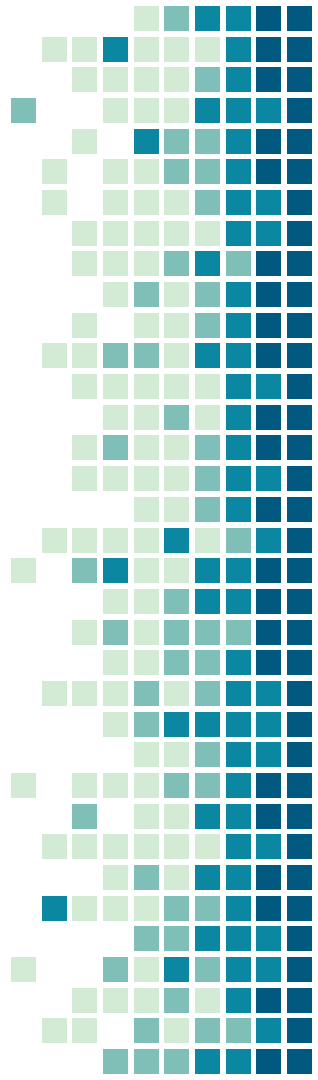
Strategic Plan Objective 2.1: We will continue utilizing digital tools to support and enhance learning for all students and staff.



Activities Director

Goal 6: Maintain fiscal responsibility and allocate resources strategically, effectively, and efficiently to support current and future learning needs.

Strategic Plan Objective 6.2: Annually, manage and monitor ongoing facility needs and use of space.



Buildings & Grounds

Director of Buildings and Grounds

Rick Kraus

Our mission is to provide superior service to our students, staff and community. We strive to keep clean, well-maintained facilities and a well-groomed campus while providing a safe, comfortable environment that allows for optimal performance and educational excellence.

Leadership

Kevin Januszewski: Business Manager

Jeremy Schmidt: Superintendent

Buildings and Grounds Staff Members, Thank you!

Maxwell Olson-Burkman, Rick Speers, Micah Boyer, Lisa Shemon, Stephanie Backlund, Patrick Seiler, Jennifer Hansen, Glenn Kaiawe, Sarah Balsamo, Deb Lannoye, Jody Hennagir, Teresa Pittman, Eric Knudsen, Connie Lindbom, Betty Thiel, Jackie Kolbinger, Jean Ormeus, Treyson Kaiawe, Chantel Knutson, Abby Lindberg, Dave Braun, Dave Luethmers, Stacy Blad



Buildings & Grounds



Buildings & Grounds

Parcel ID #	Building Name	Square Feet	Acres	Tax Value
05-00542-0105	Transporation	35,077.00	18.03	\$1,921,000.00
60-00401-0020	Early Childhood/PS	129,005.00	15.87	\$20,573,000.00
60-00131-2101	High School/MS	364,000.00	35.02	\$88,527,700.00
60-00131-2202	Fields/MS	138,790.00	42.88	\$3,063,400.00
60-00401-0031	IS 1	137,577.00	3	\$11,750,500.00
60-00401-0030	IS 2		2.06	\$233,300.00
60-00402-0840	5 Stall Garage	1,320.00	0.17	\$61,600.00
	Totals	805,769.00	117.03	\$126,130,500.00



Buildings & Grounds

Sustainable Utility Management

Intent: Implement monthly monitoring of Building Automation Systems (BAS), as well as eliminate personal appliances to reduce utility costs and enhance sustainability.

Outcome: Reduce utility costs by 10% through proactive monitoring and adjustments, promoting sustainability.

Measurement: Achieve a 10% reduction in monthly utility expenses through BAS monitoring and eliminating personal appliances.

Data: Monthly utility cost reports created in Benchmarking software, BAS performance data, and sustainability metrics.

Documentation: Monthly utility cost reports and BAS performance data.

Baseline: Initial utility cost data and BAS performance.

Relevance: This goal aligns with the Strategic Plan's sustainability objectives and the efficient use of resources.

Transformation: This goal transforms current processes by introducing regular monitoring and adjustments to reduce utility costs and promote sustainability.



Buildings & Grounds

Eliminating Personal Appliances

An appliance memo is emailed to all staff at the beginning of each school year. Working with OSHA, "Occupational Safety and Health Administration" and the State Fire Marshal, we attempt to eliminate appliances that are not approved to be in a government facility. This requires a continuous effort as various appliances seem to be brought in throughout the year.

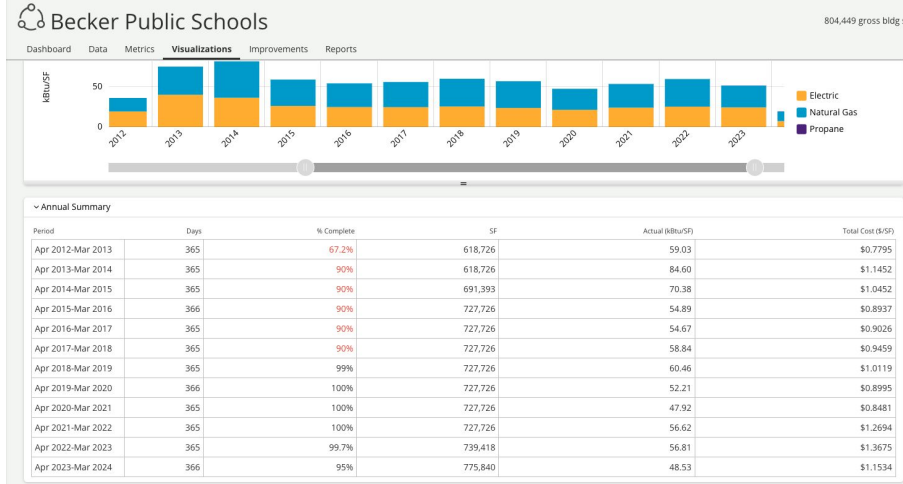


Buildings & Grounds



B3: Buildings, Benchmarks and Beyond, established in 2001

EUI is expressed as energy per square foot or meter per year



B3 Energy Benchmark

Becker Public Schools	★★★★☆
Becker Primary School	★★★★☆
Becker Intermediate School	★★★★☆
Becker High School	★★★★☆
Becker Middle School	★★★★☆
Transportation Building	★★★★★
ECFE Early Childhood	★★★★★



Buildings & Grounds

Enhanced Satisfaction-Driven Allocation of Long-Term Facilities Maintenance (LTFM) Funding

- Weekly meetings with the Business Manager to verify we are on track with budgets.
- Weekly budget reports, facilities study updates, and cost reductions.

Principal-Driven LTFM Budget Alignment

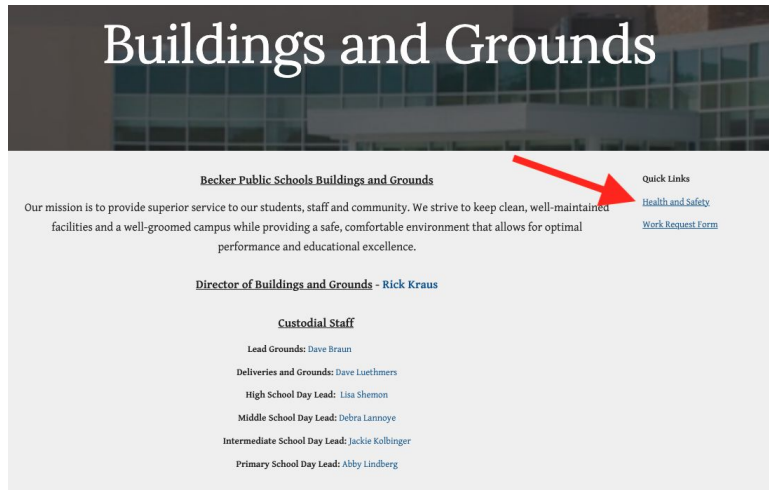
- Collaborate with all District Principals to align the LTFM budget with their specific needs and priorities.
- Ensure that the LTFM budget reflects the input and needs of individual schools, improving facility management.



Buildings & Grounds

Environmental Compliance and Safety Assurance

- Collaborate with Environmental Testing and Inspections to maintain an accurate chemical inventory and conduct required state safety inspections.



Buildings and Grounds

Becker Public Schools Buildings and Grounds

Our mission is to provide superior service to our students, staff and community. We strive to keep clean, well-maintained facilities and a well-groomed campus while providing a safe, comfortable environment that allows for optimal performance and educational excellence.

Director of Buildings and Grounds - Rick Kraus

Custodial Staff

Lead Grounds: Dave Braun
Deliveries and Grounds: Dave Luethmers
High School Day Lead: Lisa Shemon
Middle School Day Lead: Debra Lannoye
Intermediate School Day Lead: Jackie Kolbinger
Primary School Day Lead: Abby Lindberg

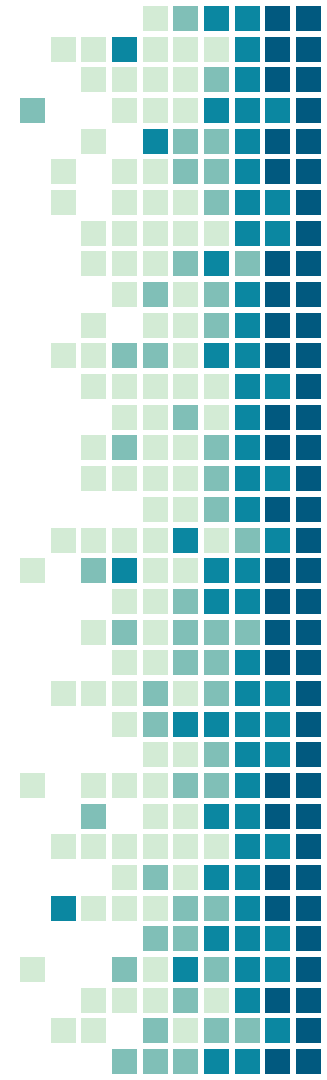
Quick Links
[Health and Safety](#)
[Work Request Form](#)



Community Education

Goal 5: Promote and celebrate the opportunities that make Becker School District a foundation of the community

Strategic Plan Objective 5.3: By the 2025-26 school year, we will create a plan to utilize and document increased community partnerships to provide greater opportunities for students.



Technology

Goal 4: Maintain a professional environment and culture that promotes engagement and culture that promotes engagement and staff development that allows for both staff and student success.

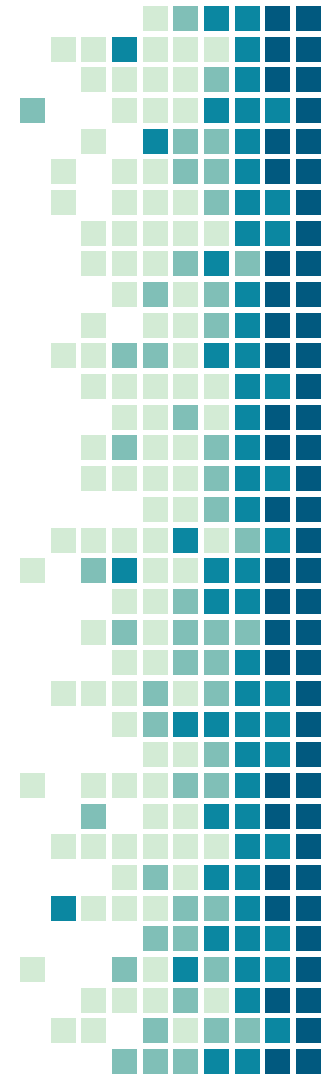
Strategic Plan Objective 4.2: Annually, provide opportunities for staff development to support the use of instructional technology tools to enhance teaching and learning.

Goal 6: Maintain fiscal responsibility and allocate resources strategically, effectively, and efficiently to support current and future learning needs

Strategic Plan Objective 6.1: Annually, evaluate and allocate resources aligned to prioritized learning needs



Questions???





A LEGENCE Company



ISD #726 – BECKER AREA PUBLIC SCHOOLS REFERENDUM PROJECTS

Progress Update
June 26, 2024

Agenda:

Progress Update

Progress Decisions

Intermediate Project Update

- Finishing up interior demo at cafeteria
- Ductwork rough-ins
- Units are schedule to be installed in the next couple weeks
- Hydronics piping is ongoing



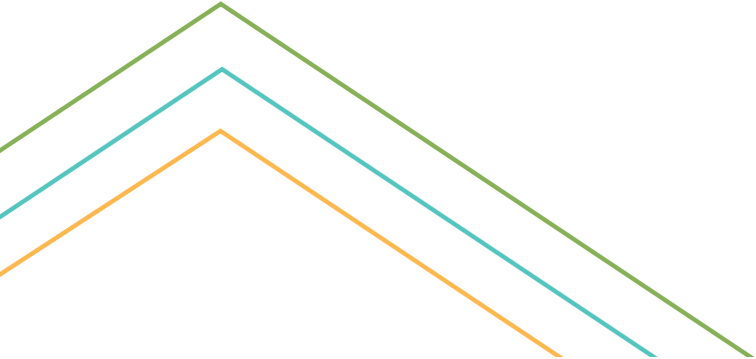
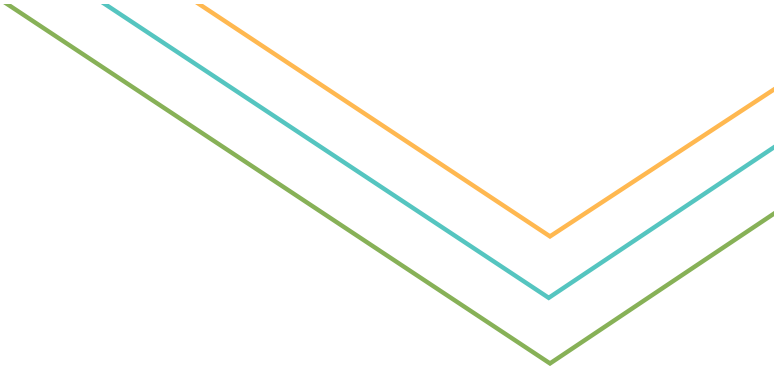
Primary/ECFE Additions & Renovations Project

Primary-

- McDowall is working on the roof. High Roof Area
- Interior doors are schedule for July

ECFE-

- Working on Punchlist: Majority of items are paint related





Q&A



A LEGENCE Company

Board / Committee Meetings 2024

January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

3 Finance 7:00 am
3 Facilities 4:30 pm
8 Organizational Meeting 6:30 pm
16 TRAK 5:30 pm CANCELED
17 Policy 6:00 pm CANCELED
22 Activities 7:00 am
22 EC Advisory 6:00 pm
29 Meet & Confer 3:45 pm CANCELED
31 Finance 7:00 am

July

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8 Board Meeting 6:30 pm
17 Policy 6:00 pm
31 Finance 7:00 am
31 Facilities 4:30 pm

February

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5 Curriculum 5:00 pm
5 Board Meeting 6:30 pm
12 Activities 7:00 am
14 Policy 6:00 pm RESCHEDULED
15 Wellness 3:00 pm
21 Community Education 3:30 pm
21 Policy 6:00 pm CANCELED
28 Finance 7:00 am
28 Facilities 4:30 pm

August

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5 Board Meeting 6:30 pm
14 Policy 6:00 pm

March

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4 Board Meeting 6:30 pm
13 Policy 6:00 pm RESCHEDULED
18 Activities 7:00 am
19 TRAK 5:30 pm
20 Policy 6:00 pm

September

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4 Finance 7:00 am
4 Facilities 4:30 pm
9 Board Meeting 6:30 pm
18 Policy 6:00 pm
24 Community Education 3:30 pm

April

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3 Finance 7:00 am
3 Facilities 4:30 pm
8 Board Meeting 6:30 pm
17 Policy 6:00 pm
22 Activities 7:00 am
22 EC Advisory 6:00 pm
24 Community Education 3:30 pm

October

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2 Finance 7:00 am
2 Facilities 4:30 pm
7 Board Meeting 6:30 pm
16 Policy 6:00 pm
23 Wellness 3:00 pm
28 Activities 7:00 am

May

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1 Finance 7:00 am
1 Facilities 4:30 pm
6 Curriculum 5:30 pm
6 Board Meeting 6:30 pm
13 Activities 7:00 am
15 Meet & Confer 3:45 pm
15 Policy 6:00 pm CANCELED
21 TRAK 5:30 pm
29 Finance 7:00 am
29 Facilities 4:30 pm

November

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13 Finance 7:00 am
13 Facilities 4:30 pm
18 Board Meeting 6:30 pm
25 Activities 7:00 am

June

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3 Board Meeting 6:30 pm
 12 Policy 6:00 pm Rescheduled
 26 Finance 7:00 am
 26 Facilities 4:30 pm
 26 Policy 6:00 pm

December

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2 Board Meeting 6:30 pm
 11 Policy Meeting 6:00 pm

Chair Jurek called the regular meeting of the School Board of District #726 to order on the 3rd day of June, 2024 at 6:30 p.m. in the Teaching & Learning Center.

Roll Call.

Members present: Troy Berning, Ryan Hubbard, Aaron Jurek, Connie Robinson, Corey Stanger, Pete Weismann

Members absent: Connie Robinson

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

CITIZEN COMMENTS: None

PRESENTATION: Carla Nolan, Director of Curriculum & Instruction, presented Read Act MN

REPORTS/UPDATES:

- Student Representatives
- Superintendent
- Committee Meeting Updates: Activities, TRAK, Project Oversight

Motion by Troy Berning, seconded by Corey Stanger, to *Approve the Consent Agenda* as presented:

CONSENT AGENDA

MINUTES FROM THE MAY 6, 2024 REGULAR SCHOOL BOARD MEETING

FINANCIAL REPORT

EXPENDITURES

Fund	2023-24		2023-24		%
	Budget	May 2024	Year-to-Date	Remaining Budget	
General	42,876,367	3,987,298	32,682,451	10,193,916	76.22%
Food Service	2,851,817	257,148	2,241,204	610,613	78.59%
Community Service	1,721,471	171,007	1,495,391	226,080	86.87%
Debt Service	3,820,887	-	3,813,383	7,504	99.80%
	\$ 51,270,542	\$ 4,415,453	\$ 40,232,429	\$ 11,038,113	78.47%

DISBURSEMENTS – in the amount of 2,908,229.33

PERSONNEL

Name	Status	Job Title	Location	Effective
Ascher, Dana	New	School Readiness / ECFE Teacher	Early Education Center	8/26/24
Beehler, Kevin	New	Assistant Principal	MS	07/01/24
Buntrock, Nancy	Resignation	1st Grade Teacher	PS	6/5/24
Diemert, Madison	Change in Assignment	Special Education (DCD) Teacher	HS (was MS)	8/26/24
Fox, Lance	Resignation	Social Studies Teacher	MS	6/5/24
Hedlund, Bonnie	Resignation	Reading Interventionist	IS	6/5/24
House, Kelsey	Resignation	Camp Opportunity Lead	Camp Opportunity	5/31/24
Kragerud, Jana	Resignation	Special Education Teacher	IS	6/5/24
Kurtti, Rachelle	New	English Teacher	HS	08/26/24
Mann, Christine	Resignation	Data Specialist Teacher	District-Wide	6/5/24
Mareck, Theresea	Resignation	Speech Language Pathologist	IS	6/5/24
Meece, Mikayla	New	ECSE Teacher	PS	08/26/24
Oeding, Stephanie	Change in Assignment	MN Reading/Math Corps Internal Coach (was 2nd Grade)	PS/IS	8/26/24
Ramola, Megan	Resignation	Technology Assistant	District/Technology	8/23/24
Risberg, Amanda	Re-Hire	ECFE Parent Educator	Early Education Center	8/26/24
Stein, Bobbi	New	Science Teacher	MS	8/26/24
TwoRivers, Nadine	New	Social Studies Teacher	MS	8/26/24

24-25, 25-26 ACTIVITY FEES, as presented

MSHSL MEMBERSHIP RENEWAL, as presented

Motion carried unanimously.

Motion by Troy Berning, seconded by Pete Weismann, to **Accept a Resolution Accepting Donations:**

WHEREAS, Minnesota Statutes 123B.02, Subd. 6 provides: "The board may receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, or for the benefit of pupils thereof, including trusts created to provide pupils of the district with advanced education after completion of high school, in the advancement of education."; and

WHEREAS, Minnesota Statutes 465.03 provides: "Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full."; and

WHEREAS, every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full;

THEREFORE, BE IT RESOLVED, that the School Board of Becker, ISD 726, gratefully accepts the following donations as identified below:

DONOR	PROGRAM	AMOUNT
Becker American Legion	Marching Band	\$300.00
Becker Hardware, Inc.	Marching Band	\$200.00
Becker Lions	NHS	\$1,000.00
Becker Lions Club	Marching Band	\$2,000.00
Becker PTSA	ECFE Playground	\$2,500.00
Becker Robotics Boosters	Worlds Trip- Houston	\$39,515.00
Becker Tennis	Boys & Girls Tennis Uniforms	\$1,553.00
Byers, Y	GSA	\$25.00
Clear Lake Lions	Swim & Dive Team	\$1,000.00
Coril Holding LTD	Primary School Playground	\$106,598.69
Dose, Kristi & Scott	Special Education Department Equipment	-
Northern Metal Recycling	Marching Band	\$250.00
Sons of the American Lion Post #193	Marching Band	\$200.00

The vote on adoption of the Resolution was as follows:

Aye: Troy Berning, Ryan Hubbard, Aaron Jurek, Corey Stanger, Pete Weismann

Nay: None

Absent: Connie Robinson

Motion carried unanimously.

Motion by Corey Stanger, seconded by Ryan Hubbard, to **Approve the Long-Term Facilities Maintenance Revenue Program Application**, as presented.

Motion carried unanimously.

Motion by Ryan Hubbard, seconded by Troy Berning, to *Approve the Certification of Updated District Population Estimates*, as presented. Motion carried unanimously.

The School Board *Discussed a Change in Substitute Pay*. This will be brought back to the School Board for further discussion in August.

The School Board entered into a *Closed Session* to Discuss Negotiation Strategies at 7:10 p.m.

The meeting was *adjourned* at 8:33 p.m.

Aaron Jurek, Chair

Pete Weismann, Clerk

Recorder: Angela Oswald

Name	Status	Job Title	Location	Effective
Arrigoni, Ruth	Resignation	Breakfast Cashier/Asst. Cook	PS	6/5/24
Barthel, Emily	Extracurricular	JV Girls Soccer Coach	HS	08/12/24
Beehler, Alyssa	Change in Assignment	Special Education Paraprofessional	IS (was MS)	08/26/24
Bistodeau, Abigail	New	1st Grade Teacher	PS	8/26/24
Bjornstad, Derek	Extracurricular	Summer Weight Room Supervisor	HS	6/10/24 - 8/2/24
Carmichael, Catarina	New	Speech and Language Pathologist	PS/EEC	8/26/24
Changamire, Arnold	Extracurricular	Head Girls Soccer Coach	HS	8/12/24
Christopherson, Jon	Resignation	AM/PM Bus Driver	Bus Garage	6/11/24
Crowley, Nicholas	ReHire	HS English/Drama	HS	8/26/24
Deppa, Lacey	End of Assignment	Special Education Paraprofessional	PS	6/5/24
Dunlap, Ashley	New	Special Education Teacher	PS	8/26/24
Eilers, Yvonne	Resignation	Cashier	PS	6/3/24
Ely-Kotaska, Sheila	New Assignment	Data Specialist / EL Teacher	District-Wide	8/16/24
Henry, Taylor	New	1st Grade Teacher	PS	08/26/24
Hodges, Stacy	Resignation	Camp Opportunity Lead	Camp Opportunity	8/5/24

House, Kelsey	Resignation	ECSE Paraprofessional / Freeplay Supervisor	PS	06/03/24
Kivisto, Ashley	New	Sibling Care Attendant	EEC	8/26/24
Klimmek, Russ	Extracurricular	9th Grade Football Coach	HS	8/12/24
Kothrade, Kelly	New	Food Service Worker	MS	08/26/24
Listul, Barb	Resignation	Camp Opportunity Lead	Camp Opportunity	8/2/24
Lundeen, Anicca	Resignation	Head Girls Lacrosse Coach	HS	5/30/24
Lundeen, Mike	Resignation	JV Girls Lacrosse Coach	HS	5/30/24
Murphy, Angela	New Assignment	Reading Interventionist (was First Grade Teacher)	IS	8/26/24
Otto, Josh	Resignation	Business Teacher	HS	6/10/24
Otto, Josh	Resignation	Coach, Multiple Sports	HS	6/30/24
Rasmussen, Austin	Resignation	Middle School Wrestling Coach	MS	6/17/24
Reich, Vicki	New	Food Service Worker	IS	8/26/24
Sieg, Mike	Resignation	AM/PM Bus Driver	Bus Garage	6/12/24
Simon, Kristina	Resignation	Business Teacher	HS	6/5/24
St. Denis, Jaime	Resignation	JV Girls Soccer Coach	HS	6/20/24
Struffert, Katelynn	New	Camp Opportunity Asst.	Camp Opportunity	6/17/24
Stueve, Stacy	New Assignment	Small Wonders Paraprofessional	EEC	8/26/24

Weege, Dustin	Resignation	Asst. Wrestling Coach	HS	3/3/24
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Page 1 - Dates updated

Page 1 - Logo Updated

Page 5 - Dates updated

Page 5 - ~~First graders will complete Hearing/Vision Screening~~

- First graders will complete Hearing & Initial Vision Screening. During the school year, a volunteer optometrist and technicians may be present to help conduct more thorough screenings for 1st graders.

Page 8 - ~~School~~District Nurse, Sadie Terwey

Page 9 - ~~Parents/Guardians who wish to walk their students to the school will need to park in Lot A (big parking lot) and cross at the crosswalk between the buses:~~

Page 12-14 - School Supply Lists updated

Page 15 - Heggerty Phonemic Awareness, ~~Bridge2Read Phonics~~, and Journeys UFLI for K-1 Phonics, Bridge 2 Read Phonics for 2nd grade, and Wit and Wisdom are the primary language arts curriculum used.

Page 18 - Anything outside of those tardy periods will be marked as ~~a half or full day absence.~~ full period absences.

Page 18 - ~~Absence Period—Half Days~~

~~The Primary School day is split into two periods. The morning period is 8:00—11:20 am and the afternoon period is 11:20 am - 2:40 pm. Absences will be counted as a half day if they fall within only one of the periods.~~

Attendance Periods

The Primary School day is split into four periods. The four periods are as follows:

Period 1 - 8:00-9:30 a.m.

Period 2 - 9:30-11:00 a.m.

Period 3 - 11:00-1:00 p.m.

Period 4 - 1:00-2:40 p.m.

Page 21 - In general, any behavior that disrupts instruction or violates the rights of others is unacceptable and subject to disciplinary action which may result in loss of privileges, ~~suspension~~ and or expulsion as a result of their action.

Page 24 - 4). A misconduct form being sent to the principal which may result in:

- A. Student/principal conference, ~~possible loss of free play.~~ alternative free play option

Page 28 - In keeping with the district's technology goals, the district recognizes the value of mobile devices and wearable devices as learning tools ~~and for communication purposes~~, communication and tracking purposes.

Intermediate School Handbook Modifications 24/25

Pg. 6- Updated Principal Letter

Pg. 8- Updated board members' names

Pg. 9- Took out dropping off students in the staff lot for safety reasons as this was implemented this spring. (Beginning time Ending Time)

Pg. 9- Added 4 periods for school day.

Pg 9.- Updated tardiness times to align with the attendance periods (Tardies)

Pg. 12- Updated reading curriculum to Wonders (Curriculum)

Pg. 17-18-Replaced old flow chart with new PBIS behavior flow chart

Pg. 19- Took out the sentences about locks on lockers as IS doesn't have locks on lockers (Lockers)

Pg. 20- Added "with parent permission" for freeplay removal to be in compliance with NED (Consequences 4A)

Pg. 21- Replaced old matrix with new PBIS matrix to align with out PBIS system

Pg. 27- Changed the word call to contact in regards to getting in touch with a teacher about HW (Homework)

Pg. 28- Added wearables electronic devices (Electronics)

Pg. 28- Changed the wording to may not be used during the school day under "Use of digital devices"

Middle School Handbook Recommendations - June 2024

The following areas of addition, modification, and deletion are based on recommendations from the MSHSL, updated MN Statutes, and current patterns of student behaviors. Upon approval, the handbook would be updated with the designated information and formatting and page numbers would be adjusted.

Table of Contents - change page numbers and formatting will be updated once the 2024-2025 handbook is confirmed by the School Board.

P. 4 - Updated BMS Letter

P. 5 - Updated building wide schedule

P. 6 - Updated language

The curriculum provided to students in grades 6-8 is aligned with the Minnesota State Standards, taking into account the unique needs of young adolescent learners. Progress reports will be accessible to students and parents/guardians midway through each trimester, while grades will be officially reported at the end of each trimester. ~~The course of study delivered to students in grades 6-8 is aligned to the Minnesota State Standards with consideration given to the specific needs of young adolescent learners. Progress reports will be available for students and parents/guardians at the mid-trimester point, and grades will be reported at the end of each Trimester.~~

P. 7 - Include description of DIG Courses

P. 7 - Grading Parameters - adjusted language to be more accurate.

Summative Assessment: (70%) Work conducted when a student has had adequate instruction and practice to be responsible for the material. Summative assessments are generally given at the end of the course, unit or lesson. Summative assessments provide students the opportunity to demonstrate what they have learned (added language) (i.e. final drafts, tests, exams, assignments, projects, performances). Summative Assessment will account for approximately 70% of the trimester/course grade.

Formative Assessment: (30%) Work conducted when a student is still learning the material. Formative assessments are generally given during instruction with the primary goal of improving or modifying instruction to promote student achievement of intended learning outcomes. (added language) (i.e. teacher observation, quizzes, homework, rough drafts, peer editing, and/or notebook checks). *Once the Summative for the concept has been completed, Formatives can no longer be turned in for credit.*

P. 9 - ~~or entered as an asterisk.~~

P. 9 - Remove - Incomplete Summative assessments should be recorded as missing, and will be marked as a zero or entered as an asterisk. Teachers will make every effort to make sure that opportunities are provided for students to complete required (assessed) learning.

P. 9 - ADD - **GOOGLE CLASSROOM**

Google classroom is our learning management system for Becker Middle School. Google Classroom serves as our digital home for each class period. Resources, assignments, announcements are found here. Staff may grade within Google Classroom, communicate with students, and provide feedback throughout the school year.

P. 9 LEARNING TARGETS

Identified standard based skills that students will be focused on for a specific lesson or specified learning time. Learning targets are directly linked to priority standards.

P. 10 - Remove - Make sure you start your research early! Give yourself plenty of time.

- Make sure you take notes accurately. Use a highlighter to mark exact quotes and unique phrases that should be in quotation marks.
- Make sure that you have accurately recorded bibliographic information for all sources used in your research
- Make sure you clearly indicate where the information came from, source and page number.

P. 11 - Remove Incidents of cheating or plagiarism can have serious consequences.

P. 11 - ADD Students are required to be in class by the beginning of the 8:08 announcements.

P. 12 - ADD Students who are on an individual plan may have stipulations identified for the ability to make up work per administration approval.

P. 16 - ADD

PERSONAL DEVICE EXPECTATIONS

Students are allowed to bring personal devices such as cell phones, smart watches, and earbuds to school. However to minimize distractions, encourage student "Face-to-Face" interactions, prevent inappropriate behavior, and promote personal responsibility: ALL STUDENTS ARE REQUIRED TO KEEP THEIR PHONES IN THEIR LOCKERS AT ALL TIMES.

Students are allowed to check phones for a limited amount of time during passing time, before school, and with staff permission.

In order for students to be fully engaged and attentive during the school day, students are only allowed to use earbuds/headphones for school related activities as directed by staff members.

Students who have a wearable device are responsible to set their device on "silent mode" or "do not disturb mode" during the school day. Students that use a wearable device as a communication tool during the school day will lose the privilege of having them on their person during the school day and will be treated similarly to our cell phone expectations.

Students who have a medical condition supported by a physician's directive will be allowed to have their personal device on their person. The phone will only be used as a medical assistance device. Students and families must communicate with administration regarding the device.

P. 16 Remove - Only use your locker, Personal cell phones are required to remain in student lockers. Use your hall locker for necessities; clothing, books, cell phones, and supplies. Keep trips to your locker within reasonable guidelines, Keep your locker orderly so you can find what you need.

P. 17 ADD and delete old bullet points. Each student is assigned a school-owned locker, which may be inspected by staff if necessary. School bags and personal cell phones must be kept in lockers, which should not be written on or lined with stickers. Students are responsible for any repair or replacement costs of locks or lockers and must keep combinations private. Only use your assigned locker and school-issued locks. Spray bottles and similar items can only be used in the locker room, and no open food or beverages are allowed. Maintain an orderly locker and ensure it is locked before leaving. Report any issues with lockers immediately. Locker privileges may be revoked if misused.

P. 17 ADD and delete old bullet points We expect honesty from our students. They should only use items with the owner's permission and bring found items to the office. Being responsible and using common sense helps prevent theft. Do not share your locker combination, leave belongings unattended, or bring expensive items or large sums of money to school. Store all band instruments in the designated band room locker. Students are responsible for their belongings, and the school is not liable for lost or stolen items. Report any theft immediately to the office or a teacher. Video cameras are strategically placed throughout the school to aid investigations and promote safe behavior.

P. 18 - ADD -Posters for school-related and for non school-related activities require administration approval. All posters must be removed immediately after the publicized event is over and should not be placed on display cases.

P. 19 - ADD/CHANGE - Clothing where the buttocks or excessive torso is exposed are not allowed. Sleeveless shirts must have straps at least 2 inches wide, spaghetti straps are not allowed. Clothing where undergarments are exposed are not allowed. This includes no bare backs, bare full shoulders, no low cut shirts and no midriffs or undergarments exposed. Pants are to be worn at the waist. Clothing where the entire thigh is exposed such as micro minis or short shorts. Pajamas, capes, costumes, flags, blankets are not to be worn. "Pajama Day" or "Costume Day" are the only exceptions specifically designated spirit week days indicated by student council and administration approval.

P. 22 - REMOVE, already located in a new location in handbook. Students are required to keep personal mobile devices in lockers during the school day.

P. 24 REMOVE The Middle School building will be locked from 8:20 a.m. to 2:45 p.m.

P. 25 SIMPLIFY - Activity Nights are sponsored by the Middle School Student Council and held on Friday nights as scheduled by administration. Students in grades 6-8 at Becker Middle School, including home school students in the Becker School District, can attend. Home school students must have parents contact the middle school office in advance to confirm expectations and provide contact information. To ensure a safe and fun environment, only BMS students can attend, and guests from other schools or grades are not allowed. Students not in the student council must leave after school and return when the event starts. Students absent due to illness on the day of the event cannot attend. Attendance is a privilege and may be revoked for inappropriate behavior.

P. 26 update Fee structures - Middle School Extracurricular Fees

- Middle School Fine Arts: \$85 \$95
- Middle School Athletics: \$135 \$150
- 2024-2025 FAMILY MAXIMUM for activities: \$700 \$900

P. 28 - SIMPLIFY to read -

Our Media Center boasts a vast collection of 18,000+ books, including fiction and nonfiction. The Media Center is a resource for studying and recreational reading, and staff are available to assist with finding information or book recommendations. While quiet conversation is allowed, the library is primarily for focused work and reading, not socializing. Students must return or renew materials on time to avoid limitations on borrowing. The library is open from 7:30 am to 3:00 pm on most school days, and passes are required during class time. Students are encouraged to visit before school, during lunch, or after school to enjoy the welcoming environment, including a cozy reading lounge. Students are expected to follow the 3 R's and the Media Center Matrix while being in the media center, before, during and after school.

P. 27 ADD **CAFETERIA/COMMONS:**

BMS cafeteria/commons area is utilized before, during and after the school day. Students who are utilizing this space are expected to follow the 3 R's as well as specific items below:

- Abiding by the rules and procedures that are required while in the BMS cafeteria/commons area.
- Waiting patiently at the table until dismissed and waiting in line, using appropriate manners while obtaining food.

- Cleaning up after themselves by disposing of trash and returning trays and utensils to designated areas.
- Respecting the personal space and property of others.
- Using indoor voices and avoiding disruptive behavior.
- Refraining from running, roughhousing, or engaging in any unsafe activities.
- During the school day, we ask students to not have soda or energy drinks during the school day. Those items need to be kept closed in student lockers.
- Due to allergies and social dynamics, students are responsible for their own food and not sharing with other students (ie: potlucks/large quantities of junk food).
- All food and drinks must remain in the designated cafeteria or commons area; they are not permitted outside of these areas. Juice and other non-water liquids are prohibited in classrooms to prevent messes and attract insects.
- Outside food vendors may not deliver during the school day unless part of a school-sponsored activity. Parents/guardians will be allowed to drop off food for their students only.

END OF HANDBOOK

Update iPad agreement information.

Update Testing graphs.

High School Handbook Recommendations - June 2024

The following areas of addition, modification, and deletion are based on recommendations from the MSHSL, updated MN Statutes, and current patterns of student behaviors. Upon approval, the handbook would be updated with the designated information and formatting and page numbers would be adjusted. Please note, some areas are subject to change based on developing legislation.

*Table of Contents - change page numbers

*p. 5 - Change years

*p. 7 - Adjust Year

*p.11 Adjust/add "Grading Definitions"

Adjust - Formative Definition - Keep examples

Formative assessments are generally given during instruction with the primary goal of improving or modifying instruction to promote student achievement of intended learning outcomes.

Adjust - Summative Definition - Keep examples.

Summative assessments are generally given at the end of the course, unit, or lesson. Summative assessments provide students with an opportunity to demonstrate what they have learned.

Add - Learning targets - Learning targets are linked to priority standards.

Add - Proficiency Scale - A defined learning progression or set of learning targets for a specific topic, relative to a given standard. It shows teachers and students what proficiency looks like, what knowledge and skills students need to achieve proficiency, and how students might go beyond proficiency.

*p. 14 - PASS/FAIL OPTION

A "pass" has no impact on the cumulative grade point average. A "fail" negatively impacts the cumulative grade point average.

*p. 17 - LEAVING DURING THE SCHOOL DAY - Outside food vendors may not deliver during the day, unless as part of a school sponsored activity.

*p. 26 - Add DECA

*p. 26 - FEES - adjust to board approved rates

*p. 27 - COMMENCEMENT EXERCISE - increase fee to \$40

*p. 29 - DRESS & APPEARANCE

Add #2. Clothing where the buttocks or excessive torso are exposed is not allowed.

*p. 30 - ELECTRONIC DEVICES

Replace “Electronic Devices” policy with “Cell Phone/Electronic Device” policy and move to match up sequencing alphabetically

Cell phones are not allowed to be accessed during class. Cell phone time will not be used as a reward or filler in class time. This policy applies to all school locations, including commons areas, auditoriums, and the media center. Cell phone use is permitted before school, during passing time, during lunch time, and after school. The use of cell phones and other personal electronic communication devices in bathrooms and locker rooms is strictly prohibited (including before, during, and after school). Students are reminded that the use of cell phones or the Internet for the purpose of harassing or threatening others during the school day is in violation of the hazing and harassment policy and will result in disciplinary action.

Students are issued an iPad. Students are responsible for having the iPad in school and charged each day. Cell phones or other personal devices are not permitted in replacement of the iPad.

Other personal device related information:

- Becker High School will not be held responsible for any physical damage, loss or theft of a personally owned digital device.
- Other devices, including wearable technology, are subject to the same expectations as cell phones.
- Earbuds/headphones may only be used during class while connected to school devices with the expressed permission of the instructor. It should not be assumed that students may use earbuds/headphones during class.
- Teachers may designate locations for cell phone placement during instructional time and when a student leaves the classroom (i.e. visits the restroom).
- This is a collective, non-negotiable policy. All teachers are expected to be consistent in enforcing this policy.
- In the event a parent needs to contact their child immediately, they are asked to call the main office and the message will be relayed to the student.

Electronic Device Violations:

Students are asked to abide by the policy. Any student who refuses to turn over the device may be insubordinate and subject to other disciplinary actions such as removal from class.

First Violation- Teacher/Student Conference. The device may be confiscated for the class for the day. Teachers should track within their classroom and do not need to report the infraction to the office.

Second Violation- Confiscation of the device for the day. The teacher will turn the device into the high school office. The student may pick up the device in the high school office at the end of the day. Teachers will inform the office of the infraction and the offense will be tracked in the student information system.

Third Violation- Confiscation of the device until the parent retrieves it and has an administrative conference. Teachers will inform the office of the infraction and the offense will be tracked in the student information system

*p. 31 - FOOD SERVICE

Adjust year and prices are unchanged

Cafeteria Conduct

Adjust #3

Students are required to eat on campus *in designated cafeteria areas* unless the school releases a student in accordance with school rules and/or school sponsored activities.

p. 33 - USE OF DIGITAL DEVICES AT SCHOOL AND SCHOOL ACTIVITIES

Remove

p. 35 - PARKING PERMITS

Adjust fee to \$60.

Add #7. Parking without a permit

p. 37 - STUDENT LEADERSHIP

Adjust - Students eligible for leadership positions within the school and within their school sponsored activity should be free of violations against district policies, Minnesota State High School League policies, and/or other violations required to be reported by law enforcement. Students remain ineligible for leadership positions for one calendar year from the time of the violation.

Leadership positions include, but are not limited to: Homecoming Court, Snodaze Royalty, captain positions, NHS, etc.

p. 45-49

Update chart

ACTIVITIES HANDBOOK



SCHOOL SPONSORED ACTIVITIES GRADES 7-12

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Activities Department Mission Statement

District Vision: “Developing self-directed learners to thrive in a changing global community.”

Activities Vision: Instilling key life principles for success.

We Believe That:

1. participation in high school activities helps to develop **positive attitudes, good citizenship, sportsmanship, a competitive spirit, and confidence**
2. student activities provide **life-long learning opportunities** for all students
3. student activities promote **perseverance**, thus helping our student participants face challenges with a “can do” attitude
4. student activities help to teach our student-athletes **resiliency** when experiencing a loss and thus, the ability to bounce back and continue to compete
5. student activities provide a program whereby the **safety and welfare** of the participants shall, at all times, be paramount to the outcome of the contest
6. student participants learn the value of **teamwork** through developing positive relationships with teammates, opponents, and coaches
7. student participants enhance **physical, mental, and spiritual well-being** through participation
8. the **character** of the student participant is enhanced through the successes and failures that come through participation

PHILOSOPHY

The contents of this handbook apply to all Becker Public Schools activities in grades 7-12 unless specifically stated otherwise.

The educational program in Becker will provide the opportunity and the incentive for each student athlete to develop mentally, physically, morally, and socially to the fullest of his/her abilities. The educational program shall be directed toward the welfare and the best interest of the student participant.

Becker High School is of the belief that athletics and activities are an integral part of the educational system. It is believed that athletics and activities contribute to the educational process of developing well rounded individuals and young adults. Through the combined support and efforts of the community; school district and activities staff, students are given the opportunity to participate in the activities program as spectators and competitors.

These educational experiences allow students to benefit in such areas of development as: interpersonal relationships, group interaction and cooperation, self concept and character, goal setting and values, leadership, initiative, self discipline, loyalty, sportsmanship, physical skills and growth, and the personal prides and satisfaction of participation and competition.

Since life demands many of the same qualities that are developed through activities, this opportunity will assist in preparing our students to meet life's challenges as contributing, worthwhile citizens.

SPORTS PHILOSOPHY

1. All playing time is not a right but a privilege that is earned through sportsmanship, team play, mental discipline and hard work.

2. Varsity Sports Philosophy: Becker has chosen to compete at the interscholastic level rather than at the intramural level. With this in mind, winning is an important part of our program. We feel we can best challenge our athletes to develop their abilities through this type of program. By no means is it a win at all costs philosophy but a strong effort to win the contest will be made by the players and the coaches.

3. Junior Varsity and Middle School Sports Philosophy: At these levels of competitions the emphasis is put on participation both during contests and during practices. Each participant will be given the opportunity to develop his/her skills. Contests will be scheduled to develop the students' abilities as well as to prepare them for competitive situations. A goal is set to win the contest but not at the cost of not allowing a certain individual a chance to participate.

SCHOOL SONG

ONWARD BECKER, ONWARD BECKER,
FIGHT THROUGH THICK AND THIN,
FOR THE GLORY OF THE SCHOOL BOYS/GIRLS,
THEN WE'RE SURE TO WIN,
RAH-RAH-RAH.
ONWARD BECKER, ONWARD BECKER,
FIGHT ON FOR YOU FAME.
FIGHT FELLOWS/GIRLS FIGHT-FIGHT-FIGHT
AND WIN THIS GAME.
B-U-L-L-D-O-G-S
BULLDOGS
BULLDOGS
GO!

SPORTS OFFERED AT BECKER HIGH SCHOOL

<u>Season</u>	<u>Boys/Girls</u>	<u>Sport</u>	<u>Grades</u>
A. Fall	Girls	Volleyball	7-12
	Boys	Football	7-12
	Boys/Girls	Cross Country	7-12
	Girls	Swimming/Diving	7-12
	Girls	Tennis	7-12
	Boys/Girls	Soccer	7-12
B. Winter	Boys/Girls	Hockey	9-12
	Boys/Girls	Basketball	7-12
	Boys	Wrestling	7-12
	Girls	Gymnastics	7-12
	Girls	Competitive Dance	7-12
	Boys	Swimming/Diving	9-12
	Boys/Girls	Alpine Skiing	7-12
C. Spring	Boys/Girls	Track	7-12
	Girls	Softball	7-12
	Boys/Girls	Golf	7-12
	Boys	Baseball	7-12
	Boys	Tennis	7-12
	Girls/ Boys	Boys/Girls Lacrosse	9-12
	Boys/Girls	Clay Target	8-12

ACTIVITIES/FINE ARTS OPPORTUNITIES

Musical Production (Middle School and High School productions)
Speech
Robotics
Spring Play
One-Act Play
Visual Arts
DECA

SPORTSMANSHIP CODE OF ETHICS

Sportsmanship is characterized by courtesy, fairness and respect. It is interpreted by the conduct of the participants, coaches, advisors, school staff and spectators. We at Becker are continually striving to maintain and improve these qualities.

Becker School District has adopted the following Sportsmanship Code:

1. We will be courteous in speech and action at all times.
2. We will respect our opponent at all times.
3. We will be loyal to our own team but also applaud the abilities of players on all teams.
4. We will obey instructions given by schools and those in charge.
5. We will play according to the rules of each game or contest.
6. We will respect the decisions of game officials.
7. We believe to have a successful team we must have a will to win but we will enjoy each game or contest; win, lose or draw.

BHS / MSHSL RULES AND REGULATIONS

I. All Minnesota State High School League rules shall be enforced and these local additions:

A. Academic Eligibility – Scholastic Grading Policy:

Philosophy: This policy is not intended to use ineligibility as a punishment for failing grades. Student learning is a priority and decisions regarding eligibility should reflect a commitment to meeting the needs of students in activities. Because these needs are so varied, the scholastic policy must reflect some flexibility.

1. A student that receives one or more "F's" or "U's" as a mid-trimester grade is placed on academic probation for the remainder of the grading period (trimester). These students will initially be ineligible for a period of one week, during which time he or she is ineligible to participate in activity contests. Subsequent eligibility status will be determined on a weekly basis for the remainder of the grading period (trimester). At this point, students must be passing all classes on a weekly basis to participate in contests. A student who

passes all of his or her classes at the end of this term will no longer be on academic probation.

2. Students who receive a grade of “F” or “U” as a trimester grade are placed on academic probation for the entirety of the next grading period (trimester). These students will initially be ineligible for a period of one week, during which time he or she is ineligible to participate in activity contests. Subsequent eligibility status for said student shall be determined on a weekly basis for the remainder of the grading period (trimester). If the student passes all classes at the end of the grading period (trimester), he or she shall be removed from academic probation.

3. Any student that receives an F or U at the end of quarter 4 will be on academic probation in the fall and subject to the guidelines in #2 above. Subsequent eligibility status for said student shall be determined on a weekly basis for the remainder of the trimester one grading period. If the student passes all classes at the end of the grading period, he or she shall be removed from academic probation. Any student successfully completing summer school will not be placed on academic probation to start the fall season.

4. A grading committee consisting of the Principal, Coach, Assistant Principal and Activities Director shall have the authority to review and rule on the eligibility of students with special or unusual circumstances.

5. Ineligible students are not allowed to dress or participate in any contests but are allowed to attend practices during the period of ineligibility.

6. All Student participants must be “on-track” to graduate from Becker High School to participate in an activity, as per MSHSL guidelines and BHS Scholastic Grading Policy.

Notice to Becker Students: the use of alcohol, tobacco and drugs is wrong and harmful.

B. Use of Alcohol, Tobacco, and Drugs:

At any time during the calendar year, a student shall not, regardless of the quantity:

A. use or consume, have in possession a beverage containing alcohol;

B. use or consume, have in possession tobacco; or,

C. use or consume, have in possession, buy, sell or give away any other controlled substance or drug paraphernalia.

D. use or consume, have in possession, buy, sell or give away products containing or products used to deliver nicotine, tobacco products and other chemicals. “Tobacco products” means: any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed,

smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part or accessory of a tobacco product.

E. use or consume, have in possession, buy, sell or give away any substance or product where the intent of such use of the substance or product is to induce intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor. Such substances or products shall include, but are not limited to, synthetic drugs, gasoline, glue, aerosol devices, bath salts, and any substances addressed by Minnesota or Federal Law.

1. First Violation: **Category I Activities: Athletics, Fine Arts- Speech/Debate**

Penalty: The student shall lose eligibility for the next two consecutive interscholastic contests or two weeks, 14 calendar days, whichever is greater, of a season in which the student is a participant. No exception is permitted for a student who becomes a participant in a treatment program.

Penalty: After confirmation of the first violation, the student shall lose eligibility for the next two (2) consecutive interscholastic events or 2 weeks (14 calendar days) of a season in which the student is a participant, whichever is greater. No exception is permitted for a student who becomes a participant in a treatment program.

2. Second Violation: **Category I Activities: Athletics, Fine Arts- Speech/Debate**

Penalty: The student shall lose eligibility for the next six consecutive interscholastic contests or three weeks, 21 calendar days, whichever is greater, in which the student is a participant. No exception is permitted for a student who becomes a participant in a treatment program.

Penalty: After confirmation of the second violation, the student shall lose eligibility for the next six (6) consecutive interscholastic events in which the student is a participant, or three weeks (21 calendar days), whichever is greater. No exception is permitted for a student who becomes a participant in a treatment program.

3. Third Violation: **Category I Activities: Athletics, Fine Arts- Speech/Debate**

- a. Penalty: The student shall lose eligibility for the next 12 consecutive interscholastic contests or four weeks, 28 calendar days, whichever is greater, in which the student is a participant.
- b. A student who chooses to become a participant in a treatment program may become eligible for participation after a minimum of 6 weeks after entering treatment if all of the following conditions are met:
 - a) a student is assessed as chemically dependent;
 - b) enters treatment voluntarily, and
 - c) the director of the treatment center certifies that the student has successfully completed the treatment program.

- d) The treatment option cannot be used for the first or second violation. Successful completion of a chemical treatment program will satisfy only the most recent violation.

C. Use of Alcohol, Tobacco and Drugs-Co-curricular Activities- Category II Penalties:

Events shall be defined as all activities except daily class hours and concerts. This includes pep band, marching band, music contests, drama productions, One Act Play, etc.

A student who participates in Category I (athletics) and Category II (co-curricular activities), will be ineligible in both categories until each penalty is fulfilled.

1. First Offense:

The student shall lose eligibility for the next event or 2 weeks (14 calendar days) of a season in which the student is a participant, whichever is greater.

2. Second Offense:

The student shall lose eligibility for the next two events or three weeks (21 calendar days) of a season in which the student is a participant whichever is greater.

3. Third Offense:

The student shall lose eligibility for the next three events or four weeks (28 calendar days) of a season in which the student is a participant, whichever is greater. A recommendation shall be made for chemical dependency help.

II. Penalties shall be progressive beginning with the first violation and continuing through the student's high school career. Penalties shall be served consecutively.

III. The penalties for violations set forth by the Activities Department, which exceed those of the MSHSL, must be obeyed.

IV. **MSHSL Denial Disqualification:** A student shall be disqualified from all interscholastic events for nine additional weeks beyond the student's original period of ineligibility when the student denies violation of rule, is allowed to participate, and then is subsequently found guilty of the violation.

V. **Student Leadership:** Students eligible for leadership positions within the school and within their school sponsored activity should be free of violations against district policies, Minnesota State High School League policies, and/or other violations required to be reported by law enforcement. Students remain ineligible for leadership positions for 1 calendar year from the time of the violations. Leadership positions include, but are not limited to: Homecoming Court, Snodaze Royalty, team captain positions, NHS, etc.

VI. **Activity attendance:** Any eligible student enrolled at Becker High School who misses the first five days of practice when school is in session will not be allowed to participate in the

sport of the current season. If a student has a conflict that will not allow them to come out in the first five days they should contact the coach and explain the situation.

Any player who is present in school but fails to participate or receive permission from his/her coach to miss practice three times will be removed from the sport for the remainder of the season. If a player at any level (MS or HS) quits, the coach must notify the parents and the Activities Office.

VII. EXTRA CURRICULAR ATTENDANCE:

Students involved in any extracurricular activity scheduled during or after the school day or any school sponsored on-the-job training program may not participate in after school activities or programs if they have an unexcused absence from any class during the day, or have been suspended from class, including in-school and out of school suspension. Absences due to illness beyond two blocks requires a note from the doctor's office. Recurring absences due to appointments or consistently missing the same classes may require a note from the doctor's office. Absences not approved by administration will result in exclusion from extracurricular participation.

Any extenuating circumstances will be reviewed by the administration. This policy includes practices, games, concerts, plays, and competitions. In addition, students who are suspended or administratively dismissed from school are not eligible for practice or participation on the day of the suspension or dismissal.

Late Return: When extracurricular activities may cause a late return to town, the coach or advisor should contact the activities director or building principal prior to the event to discuss attendance expectations for the next day.

VIII. Multiple Activity Participation in One Season: Students wishing to participate in more than one sport per season must seek permission from the activities office. A meeting involving both head coaches, the activities director, a building administrator, the student and his/her parents/guardians will be held to establish guidelines to ensure the student can be successful in this arrangement.

IX. Good Standing- Awards: A student must end the season in good standing with the team in order to receive his/her awards. If a student is ineligible because of tobacco, drugs, or alcohol use he/she will not receive his/her awards. A student with a violation will not be eligible for a captain's position for a minimum of one calendar year.

X. Suspension/detention: A student assigned time in I.S.S. will not practice or play until the time in I.S.S. is completed. A student assigned detention after school will not play or practice until the last day of detention is completed. Students suspended for all or part of a day will not be eligible to play or practice the same day. Students sent home on administrative dismissal are also ineligible to play or practice the same day.

Sexual Harassment and Sexual Violence Policy, Rules, Penalties and Recommendations for Student Participants in MSHSL-Sponsored Athletic and Fine Arts Activities.

The Director of Human Resources is Title IX Coordinator.

I. General Statement of Policy.

The Minnesota State High School League believes that all individuals should be treated with respect and dignity. Students should be able to participate in League-sponsored activities in an environment that is free from sexual harassment and sexual violence. It shall be a violation of this policy for a student participant in League activities to harass a person through conduct or communication that is determined to be sexual harassment or sexual violence by this policy.

II. Responsibilities of the Minnesota State High School League and its member schools are required by state and federal law.

A. Title IX of the Federal Education Amendments of 1972 prohibits sex-based discrimination against students by education institutions.

B. Title VII, 1980 is interpreted by the Equal Employment Opportunity Commission to include sexual harassment as a form of sex discrimination in employment, and provides a definition of sexual harassment.

C. Minnesota State Human Rights Act, Minnesota Statute Chapter 363A, defines sexual harassment as a form of sex discrimination in education and employment.

D. Minnesota Statutes Section 121A.03 (Sexual Harassment and Violence Policy) requires each school board to adopt a written sexual harassment and sexual violence policy that is clear and understandable. The policy shall apply to pupils and employees, including reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy.

E. Minnesota Statutes Section 128C.02, Subd. 2, (Sexual Harassment and Violence Policy and Rules) requires the Minnesota High School League to adopt a policy, rules, penalties, and recommendations addressing sexual harassment and sexual violence toward and by participants in League activities.

F. Minnesota Statutes Section 609.341 et seq. establishes statutory penalties with respect to sex crimes.

III. Sexual Harassment and Sexual Violence Defined.

Please refer to Becker School District website: www.becker.k12.mn.us for the **Policy 413 Harassment and Violence**. You can find the policy under the Home/District Policies tab. Click on 400 Series Employees and Personnel and scroll down to policy 413.

Good Standing and General Eligibility Requirements

I. Good Standing

In order to be eligible for regular season and League tournament competition a student must be in good standing.

Definition: The term “Good Standing” shall mean that the student is eligible under all the conditions and eligibility requirements of that school as well as the eligibility requirements of the Minnesota State High School League.

II. Student Code of Responsibilities

Participation in interscholastic activities is a privilege which is accompanied by responsibility. As a student participating in League sponsored activities, I understand and accept the following responsibilities:

- A. I will respect the rights and beliefs of others and will treat others with courtesy and consideration.
- B. I will be fully responsible for my own actions and the consequences of my actions.
- C. I will respect the rights and property of others.
- D. I will respect and obey the rules of my school and the laws of my community, state, and country.
- E. I will show respect to those who are responsible for enforcing the rules of my school and the laws of my community, state, and country.
- F. I will show respect to my parents, teachers, and coaches.

III. Penalty

A student who is dismissed (i.e. suspended) from school or who violates the Student Code of Responsibilities is not in good standing and is ineligible for a period of time as determined by school officials acting on the authority of the local board of education. The League specifically recognizes that certain conduct requires penalties that may exceed those penalties typically imposed for first violations. For example, when a student is suspended from school the student is not in good standing and cannot begin to serve the participation penalty until the student has completed the suspension from school and is returned to good standing.

Physicals: All students must have a physical (good for three years), a parent’s permission form (each year) and an eligibility form (each year) on file in the activity director’s office before they will be allowed to play or practice.

Banquets: Each head coach will organize and hold a team banquet at the end of each season.

Injury return to play: Any athlete that sees a doctor about an injury must receive written permission from that doctor to return to practice or to play in a game.

4. After School Meetings:

- a. Students attending meetings should notify the coach in person, prior to the meeting and as soon as possible.

b. Students will return to practice with a pass from the teacher that called the after school meeting.

c. If any activity requires an athlete to miss a number of practices, arrangements must be made each week between the student, the coach and the teacher. If satisfactory arrangements cannot be made the student will have to make a choice between the two activities.

d. Academic make up work is an excused absence for missing practice time. The student needs to arrange this with the coach and teacher.

Student Council or NHS may meet after school. Participants who are Student Council Members and/or NHS members are excused from practice for this purpose.

GUIDELINES FOR THE USE OF SOCIAL NETWORKING MEDIA

As an educational institution, Becker High School supports and encourages the rights of individuals to free speech. However, student athletes should be concerned with any behavior that might embarrass themselves, their families, their teams, their community and /or Becker High School. This includes any activities conducted online through social networking sites (i.e. Facebook, MySpace, Friendster, Twitter, podcasting, blog sites, You Tube, or chat rooms among others).

Participation in athletics at Becker High School is a privilege, not a right. As a student-athlete at Becker High School, you are a representative of the school and the community, and as such, you are always in the public eye. This fact places certain additional demands upon how you must live your life.

If you participate in any of the aforementioned public media, please be aware of the following guidelines relating to your involvement in extracurricular activities at Becker High School:

1. You should not post information, photos, or other items that could embarrass you, your family, your team, the Activities Department, or Becker High School. This includes items that may be posted on your page by others.
2. Disparaging remarks about teammates, coaches, or school officials can serve as grounds for suspension from competition or dismissal from teams, as well as possible legal ramifications.
3. Student-athletes may face disciplinary measures for violation of team policies, athletic department policies, state athletic association guidelines and/or state and federal laws. Any admissions of conduct in violation of any of these policies or laws found on a student-athlete's website may subject him or her to disciplinary measures. Any depictions of conduct in

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violation of any of these policies or laws found on a student-athlete's website will be subject to a full investigation. Also keep in mind that local police or sheriff's offices or other law enforcement agencies may check these websites regularly.

In addition, the following are general guidelines to be aware of if you are an active participant in social networking:

- A. Before participating in any online community, understand that anything posted online is available to anyone in the world. Any text or photo placed online is completely out of your control at the moment it is placed online, even if you limit access to your site.
- B. It is recommended that you exercise caution in posting your address, phone numbers, birth date, or other personal information.
- C. Be aware of who you add as a friend to your site. Many people are looking to take advantage of student-athletes or seek connection with student-athletes to give them a sense of membership on a team.
- D. Be cognizant of the fact that many employers and colleges also monitor these sites. You should be aware that any information posted on these websites may prevent you from obtaining a job or prevent you from attending the college of your choice.

CONFLICT RESOLUTION PROTOCOL

I have a conflict? How do I proceed?

Conflict Resolution Protocol

Conflict is almost inevitable when working with passionate, highly focused and dedicated people. While good communications and clear guidelines will help limit conflict, there must be clear protocols in place to deal with conflict when it arises.

The following steps should be followed when a concern is voiced. Our goal should be to resolve conflict at the lowest intervention level possible, but do not hesitate to follow the entire process if necessary. It is always wise to keep the Activities Director aware of any conflicts that are being handled in your program, no matter what level the intervention is at currently. School District Policy 103 will be followed regarding complaints from students, employees, parents, or other persons.

Steps in Resolution of Conflict

Parents and coaches/advisors are strongly encouraged to maintain open lines of communication. A procedure has been developed for the purposes of establishing and maintaining the lines of communication between the school, parents/guardians and students, for the resolution of concerns related to the activities program.

The steps below are designed as protocol to follow until resolution is reached. If an issue rises to steps 3 or above, it is to be guided back to step 1. **Every effort should be made to resolve all issues at the lowest possible level. A majority of issues are solved at the first**

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step if allowed to occur.

Step 1 Coach/Advisor/Student: The student and the coach/advisor will meet to discuss the issue. This meeting should occur within five days of the incident. The goal of this meeting is to bring closure to the concern.

Step 2 Coach/Advisor/Student/Parent: The parent and student should schedule a meeting with the coach/advisor within five school days of the incident or within five days of the initial meeting between the coach and student. Meeting time must be convenient to both parties. The meeting agenda is limited to the initial issue. Coaches/advisors may request administrative presence at the meeting, but the coach/advisor will run the session and provide a detailed summary for the Activities Director.

In order for the discussion between the parent and coach to be productive, the following times to approach a coach/advisor should be **avoided:**

- either prior to or immediately following a game (24-hour cooling off period)
- during a practice session
- during a time when other teammates are present
- a time when it is apparent there will not be sufficient time to allow for a complete discussion.

Step 3 Coach/Advisor/Student/Parent/AD: If no closure is attained at the meeting, the coach/advisor must create a written summary of the meeting within five school days for review by the Activities Director. If the parent requests a meeting with the Activities Director, a **Step 3 Form** (that can be obtained in the Activities Office) must be completed by the person with the conflict, and turned into the Activities Director. Parents can bring in an additional advocate/representative if they deem necessary. Any additional people will be identified on the Step 3 Form. The Activities Director will set up a meeting with the coach/advisor, parent, and student (at the discretion of Activities Director). After the meeting, the Activities Director will make a ruling on the issue and share the findings and solution strategy with the family, coach/advisor, and building principal.

Step 4 Parent/Principal: If the established ruling/strategy is still unacceptable to the family they may then meet with the building principal to discuss alternatives. The Activities Director, coach/advisor, and/or student will meet with the parent and principal at the principal's discretion.

Other key points:

- **Playing time and team selection are determined solely by the coaching staff. These discussions should be between the coach/advisor and the student. A parent may only be involved in these discussions if the student is present (should not exceed step two).**
- **Calls should be directed to school contact numbers only.**
- **Data privacy rules must be maintained; do not discuss other students.**
- **Failure to follow the process may impact the final ruling on the issue.**
- **If the parent refuses to involve the student in the process, the conflict resolution process is compromised.**

Respectful communication is expected between both parties; if at any time the meeting becomes confrontational, it will be terminated and rescheduled.

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CONFLICT RESOLUTION PROTOCOL STEP 3 FORM

I/We have met with _____ (Coach/advisor)

in the sport/activity of _____ to resolve a matter(s) of concern.

I/We do not feel that these concerns have been resolved and request a meeting as outlined in Step 3 of the Procedures for Handling Conflict Resolution Protocol.

Person requesting the meeting: _____

List briefly the problem(s) or complaint(s):

1.

2.

3.

4.

Please list any additional people that will be attending the Step 3 meeting:

Signature of Student: _____

Signature of Parent: _____

Date: _____

LIMITING SQUAD SIZE

If a 9-12 activity has a large number of participants, too large to safely and effectively conduct practices, the coach/advisor may limit the squad size. If this is deemed necessary, there will be an evaluation/tryout period for that activity as determined by the coach or advisor. If a student participant does not qualify for team membership following the evaluation/tryout period, the participant will be offered a full refund for the activity fee paid.

ACTIVITIES ACCELERATION POLICY

Participation By students on athletic teams representing the secondary schools on Independent School District #726 will normally be limited to those students representing the school that they attend for regular classes. Such teams constitute an integral part of the total secondary program and are primarily designed to serve the needs of only the students of that school.

This policy represents the basic guideline for athletic participation in Independent School District #726. However, on rare occasions, a middle school athlete may be so physically and emotionally mature, as well as athletically gifted, that consideration should be given to allowing that student to leave his/her middle school team and compete at the senior high level. Such a decision requires a thoughtful and critical look at the needs of the student and concern for his/her physical, mental, and emotional well being, and the best interests of the student's total development. In addition to the specific student concerns, the effect on the middle school and senior high school programs must be considered. At the middle school level, emphasis shall be placed on participation and skill development as compared to the philosophy of stronger competitiveness and playing to win at the senior high level. The welfare of the student must be the focus of all recommendations and decisions.

CONSIDERATIONS TO EXAMINE

- Physical abilities and emotional needs of the student(s).
- Effect on both middle school and high school programs.
- Academic performances of the student(s).
- Student(s), parents, coach, principal, and activities director are in agreement.

ACCELERATION PROTOCOL

1. The head varsity coach will initiate in writing the proposed acceleration to the high school activities director.
2. The varsity coach, middle school coach, middle school principal, high school principal, and activities director will meet to discuss the proposed acceleration and come to a mutual agreement if the acceleration should take place.
3. If the recommendation is to further consider acceleration, the parents/guardians and the student will then be notified by the head varsity coach and asked to review the recommendation in a meeting with the coach and activities director both present.
4. Once the student has been accelerated, the student will have a two-week evaluation period. At the end of that time, a final decision on placement for the season shall be made.
5. Once the student has passed the two-week evaluation period, the student must remain at the level and may not return to a lower level for the remainder of the season. The athlete would not play at the lower level when the accelerated level of competition has been completed in the same season.

DEFINITIONS

- A. Grade levels 9, 10, 11, and 12 shall be considered as senior high programs.
- B. Grades 7 and 8 shall be considered the middle school program.

C. **Individual or Team Programs:**

Students in 7th and 9th grade are strongly encouraged to participate in programs available at their age level. While MSHSL rules state that all 7-12 students are eligible to participate in the 9-12 program, it is the general practice of School District #726 not to accelerate students from middle school programs to senior high school MSHSL team programs. However, when extenuating circumstances arise, any exceptions to this practice will be reviewed through the use of the Acceleration Protocol.

D. **Combined Individual/Team Programs:**

Some programs have combined middle and high school levels to ensure the opportunity for all students. In 7-12 combined programs, students are eligible to compete without use of the Acceleration Protocol.

All names of 7th and 8th grade students competing at a JV or Varsity level in combined programs shall be promptly forwarded to the Activities Office. This information will also be given to the middle school administration.

NOTE: 6th grade students are not eligible to participate in any 7-12 activity programs (as per MSHSL policy).

FEES

Each school year an activity fee will be charged for participation in each activity and/or sport.

I. Fee System

A. Fee amounts are set by the school board each year.

2024-25 Fees:

High School Athletics- \$200

High School Fine Arts- \$105

Middle School Athletics- \$150

Middle School Fine Arts- \$95

Family Cap- \$900.00

II. Refunds

A. When injury or illness prevents continuation in the sport a refund will be made provided.

1. That a doctor's statement substantiates the injury or illness.
2. The injury or illness occurs before the time of the first contest.

B. When a transfer is made out of Becker School District a refund will be made provided that the transfer occurs before the time of the first contest.

C. If a student quits a sport after the first scheduled contest there will be NO REFUND. This is due to the fact that the benefits of the sports equipment usage will have accrued to the amount of the fee.

D. If a student is dismissed from a sport because of disciplinary reasons or an infraction of the eligibility rules there will be NO REFUND.

E. A student who is seeking a refund must make a direct request to the Activities Director and/or Activities Director Assistant. If paid by cash or check, refunds will be made by check from the district office after school board approval. If payment is made by credit card, the card used to make the payment will be reimbursed after school board approval.

III. Accounting for Fees

A. A record of fees collected will be kept on file in the Activities Director's Office.

B. Receipts will be issued (upon request) for payment of fees made in cash.

IV. Reduction of Fees due to hardship

A. It is possible to have an activity fee reduced in cases of undue hardship.

1. Parents or guardians can request a reduction of fees by filling out the School District's Free and Reduced Lunch Form. If the paperwork qualifies the family for Free lunches or Reduced lunches fees will be reduced. Detailed information for fee amounts is available in the activities office.

MSHSL STATE TOURNAMENT

1. All students may attend state tournaments.
2. Each student who attends a session during school time must have written permission from their parents and approval from the attendance office. The student must notify the teacher of the absence, and all class work missed must be completed before the absence or on the day the student returns to school.

VARSITY LETTER PHILOSOPHY

The varsity letter award is presented to the participants that reach a high level of achievement in each activity. The purpose of the award is to have the participants set their sights high and to work diligently to reach those goals. Once achieved, the participant should feel proud of his/her accomplishments.

ATHLETIC LETTERS

The following apply to all activities:

1. The student must be an athlete which the activities department feels is deserving of this award.
2. Seniors will be given a letter award for three successive years (10th, 11th and 12th grades) of service in an activity.
3. The student must abide by training rules, maintain classroom eligibility, be regular in attendance at practices and follow MSHSL requirements for eligibility.
4. By special recommendations of the coaches/advisors and administration, a student who has not met the requirements for a letter award may receive such an award if he/she has proven himself/herself to be an exceptional participant.
5. All members of a first level championship team will receive a letter award.
6. In the event of contests being canceled, the following letter requirements can be adjusted proportionately.

Letter Requirements:

Girls Swimming: Athletes must achieve 34 team points to letter or qualify in the top 8 at the Sectional meet.

Cross Country-Boys and Girls: Individuals must run varsity in 1/3 of the scheduled meets or meet the time standard at some point in the season (18:30 for boys and 22:30 for girls).

Football: In order to receive a letter award a player must play one more quarter than the total number of games.

Volleyball: All players that are an integral part of the varsity team will letter.

- Players must follow all MSHSL & Becker School Policies to be eligible to letter.
- If injured during the season, the player may still letter by continuing to attend practices, games, and team functions.
- Players that are brought up during the season will also be considered depending on the actual time spent on the varsity team.
- Special circumstances that will be left to the discretion of the coaching staff

Tennis-Boys and Girls: Athletes must participate in 70% of all varsity matches scheduled for that year.

Soccer-Boys: Athletes must play in 13 halves of varsity Soccer. There are also scoring criteria (that is left up to the coach) that may allow an athlete to letter.

Soccer-Girls: Athletes must play in 10 halves of varsity soccer. Must play in a Section game.

Basketball-Boys:

- 1) Any player who earns a varsity uniform
- 2) Player must be committed to upholding our programs Core Values (Compete, Committed, Charisma, Coachable, Composure, and Connected)

Basketball- Girls:

1. Any player who earns a varsity uniform
2. Player is in good standing, upholding coaching staff's standards to represent Becker Schools well

Girls' Gymnastics:

Compete in one more than half the varsity meets on one event or at least 4 times on 2 or more events. Section tournament counts as 2 meets or 1 for alternates.

Wrestling:

1. A member of the team must score 12 team points in one season in order to receive a letter award.
2. A wrestler who wins a section match will receive a letter even if he has not scored 12 team points.
3. A point will be given for each match wrestled at the varsity level.

Hockey-Boys: To earn a varsity letter in the sport of hockey one of the following must be met:

- a. A senior who participates in the Becker-Big Lake High School Hockey Program for three or more years, or
- b. A player that participates in 10 Varsity games throughout the season by at least being on the Varsity roster, or
- c. A player that is on the roster for any post-season game, or
- d. The head coach may award a varsity letter to any player at his discretion.

The players must complete the season in good standing.

Dance: A number of factors are considered:

1. Number of varsity competitions a dancer performs.
2. Attendance at practices.
3. Participation in other team events.
4. Leadership as a team member and adherence to team guidelines and rules.

Baseball and Softball: In order to receive a letter award a player must play an average of two innings per game.

Track-Boys and Girls: In order to receive a letter award a participant must score 11 team points or earn all conference or top eight in section individuals or on a top four relay team in a section meet.

Golf-Boys and Girls: An athlete must play in $\frac{1}{4}$ of the varsity matches or play in the conference or sub-section meet.

Lacrosse-Girls: A member of the varsity team must play in one more period than the total number of games played.

Lacrosse-Boys: A member of the varsity team must play in one more varsity game period than the total number of varsity games played.

Trap League-Boys and Girls: Athletes must average 20 or more points per round in competition at the end of the season. Athletes must not miss any competitions throughout the season.

Speech: A member of the varsity team may earn a cumulative of 100 points throughout the season (points can be earned in a variety of ways). A member may also letter if they are awarded an All-Conference or Conference Honorable Mention Award at the annual Conference meet. If a member advances to the MSHSL State Meet an automatic letter will be rewarded. Also, the coaching staff reserves the right to award a varsity letter to members of the team as he/she sees fit.

AWARD SYSTEM

1. The first time a student fulfills the requirements for a letter award he/she will receive a letter "B," a letter certificate and a sport insignia.
2. The second time a student fulfills the requirements for a letter award he/she will receive a letter certificate and bar.
3. Captain of athletic teams will be issued a star.
4. Letters cannot be earned by participation at the junior varsity level.

5. “Letters of Participation” will be awarded at the 7th, 8th, and 9th grade levels and at the varsity and junior varsity levels if lettering standards are not met.

BHS CONCUSSION PROTOCOL

Preseason

- The following athletes must complete an ImPACT baseline test with the Becker ATC at the beginning of their sport season.
 - 7th graders
 - 9th graders
 - 11th graders
 - New students to the school district
 - New students to the sport
 - Athletes that have never taken an ImPACT baseline test
- If the athlete is in multiple different sports, the athlete should be tested during their earliest sport season.

Season

1. If an athlete is suspected to have or displays **1 or more signs and symptoms** of a concussion, he or she is to be **pulled from the athletic event**.
 - If there is an athletic trainer onsite (home or away events) they should perform the evaluation.
 - Becker Athletic Training hours and coverage:
 - 3-5 pm Monday-Friday during practices
 - All varsity home sporting events
 - 9th grade football
 - 10th grade football
 - JV football
 - If there is no athletic trainer onsite, the coach should err on the side of caution and **pull the athlete** if there are **1 or more signs and symptoms** of a concussion or **they are unsure**.
 - **When in doubt, sit them out!**
2. If a concussion is suspected by the athletic trainer (or coach), **a parent or guardian should be notified** if they are present at the event or by phone as soon as possible regarding the proper plan of care.
- If the Becker ATC suspects a concussion they will give three sheets to the guardian and athlete.
 - **Typed Instructions**
 - This sheet has recommendations for concussion care and instructions on what to do next with the athlete.
 - **Sideline Evaluation**
 - This sheet has the evaluation from the athletic trainer. This sheet should be brought to the physician.
 - The **Athletic Training Injury Report Form** may be used instead if:

- The athlete was at an away event and then comes and visits the ATC when they return to the school or the next day.
 - The ATC was not present at the event and the athlete comes and tells the ATC the day after.
- **Concussion Care Plan**
 - This sheet also needs to go to the physician. This allows the physician to determine where the athlete should be starting their protocol.
 - This sheet has the **Return to Learn** and **Return to Play** listed on it.
 - Athletes should not be allowed to drive home, but should be **escorted** by a guardian.
3. If a concussion is suspected the athlete must first see a **physician** following the head injury preferably the **day of or after** the event.
 - The athlete must visit the ATC following the physician visit.
 - The ATC **cannot** start the concussion protocol without the first initial physician visit and **Concussion Care Plan Sheet**.
 4. The athletic trainer can start the concussion protocol when they receive physician orders on the **Concussion Care Plan Sheet**.
 - ATC will complete concussion protocol in this order:
 - Return to learn
 - This is monitored closely with school personnel. The nurse is made aware of the situation in order to get emails out to teachers regarding school restrictions.
 - 5 steps
 - ImPACT re-test
 - Return to play
 - 5 steps
 5. Following the completion of the protocol, the athlete must return back to the **physician** for a final evaluation.
 6. Athletes need to be **officially cleared** by a **physician** after completing all necessary concussion protocol steps.
 - Exception: ATC has the final say if the physician clearly states in their notes that the athlete does not need to come back for the final evaluation.

Special situations:

- If the physician does not diagnose a concussion and the ATC disagrees, the protocol will still be completed by the ATC in order to safely return the athlete to play.
- If a guardian refuses or cannot afford to see a physician, the protocol will still be followed out and monitored by the ATC.

BHS CONCUSSION MANAGEMENT PROTOCOL FLOW CHART

- A. Initial reaction to injury: Certified Athletic Trainer or School Nurse notifies parent and issues:
- BHS concussion letter
 - Signs and symptoms guidelines
- B. School personnel notifies A.P. and/or School Nurse (via email if in evening)
- C. Communication is made to parents the following day from the School Nurse / A.P.
- D. Nurse/A.P. notifies appropriate Guidance Counselor and teachers in regards to injury and the Concussion Care Plan detailing early interventions to reduce prolonged recovery.
- E. Student information is entered into the Concussion Management Protocol Google Doc. As staff receives updates, these are entered into Google Doc as well.
- F. Parental contact is made at least weekly to discuss recovery. This is entered into Google Doc. All parental contact should be entered into Google Doc. Teachers should also report student symptoms to the Guidance Counselor and this entered into Google Doc.
- G. A.D. will be notified when a student has cleared the Return to Learn protocol. This date will be logged into Google Doc. A.D. will notify the trainer to implement Return to Play.
- H. Trainer will notify A.D. when Return to Play protocol is completed and the student is cleared to play. A.D. or Certified Athletic Trainer will notify Nurse, A.P. and appropriate counselor and log Return to Play protocol finished date in Google Doc.

Considerations:

Care should be taken to ensure students are not left feeling socially isolated as a result of the concussion.

All medical documentation should be immediately shared with the School Nurse.

Attendance personnel will notify A.P./School Nurse when concussion related absences are reported.

Considerations of 504 or additional accommodations will be reviewed/monitored by the MTSS team.

SPECIAL AWARDS

Each sport offers following special awards:

Football:

1. Most Valuable Player
2. Monster Man
3. Most Dedicated
4. Fan of the Year

Cross Country-Boys and Girls:

1. Most Valuable Teammate
2. Most Dedicated
3. Most Improved
4. Rookie Award

Soccer-Boys:

1. Most Improved POTY
2. Offensive POTY
3. Defensive POTY
4. Most Dedicated

Tennis-Girls

1. Most Valuable
2. Most Improved
3. Most Dedicated

Gymnastics:

1. Most Dedicated
2. Most Spirited
3. Most Improved

Wrestling:

1. Most Outstanding Wrestler
2. Most Improved Wrestler
3. Rookie Award

Hockey- Boys:

1. Most Valuable
2. Most Improved
3. Most Dedicated
4. Rookie Award

Volleyball:

1. Most Valuable Player
2. Defensive Award
3. Most Improved
4. Offensive Award

Swimming/Diving:

1. Most Valuable
2. Most Dedicated
3. Most Improved

Soccer-Girls:

1. Most Valuable
2. Most Dedicated
3. Most Improved
4. Rookie Award

Basketball-Girls:

1. Most Dedicated
2. Most Improved
3. Best Teammate

Basketball-Boys:

1. Most Dedicated
2. Defensive MVP
3. Most Improved
4. Most Valuable

Dance Team:

1. Most Dedicated
2. Hardest Worker
3. Most Valuable Dancer

Golf- Boys and Girls:

1. Meet Medalist
2. Most Improved
3. Most Dedicated

Lacrosse- Boys:

1. Most Valuable
2. Most Dedicated
3. Most Improved

Softball:

1. Most Valuable
2. Most Improved
3. Most Dedicated
4. Pyramid of Success Award

Track and Field- Boys and Girls:

1. Leading Scorer
2. Most Dedicated
3. Most Improved
4. Rookie Award

Lacrosse- Girls:

1. Most Valuable
2. Most Improved
3. Most Dedicated

Baseball:

1. Most Valuable
2. Most Improved
3. Most Dedicated

Boys Tennis:

1. Most Outstanding
2. Most Improved
3. Most Dedicated

Scholar Athlete Awards:

The top cumulative G.P.A. varsity letter winners that have completed their sophomore year will receive the Scholar Athlete Award in each sport.

Awards Good Standing: A student must end the season in good standing with the team in order to receive his/her awards. If a student is ineligible because of tobacco, drugs, or alcohol use he/she will not receive his/her awards.

FREE ADMITTANCE INTO HOME ATHLETIC EVENTS

The following people shall be allowed free admittance to all home athletic events:

- Coaches, Administration, and School Board member with association passes
- All participants, coaches, scorers and managers
- Cheerleaders in uniform and the cheerleading advisor
- Performing pep band members and the pep band director
- All District 726 employees and their spouses with ID card
- Individuals participating in half time activities
- Pre-School Children
- Senior Citizens (62 and over)
- Media personnel
- Emergency vehicle people, patrolmen, doctor on duty (if needed)
- Workers-concession stand, supervisors, etc.
- In addition to the above, parents of participating athletes shall be admitted free to athletic events on special parents' nights.

300.00 BYLAWS: ADMINISTRATION OF STUDENT ELIGIBILITY

A Fair Hearing Procedure and Acknowledgement of Rights are provided for all students who wish to appeal a school's determination of a student's eligibility.

1. Fair Hearing Procedure

Section 211.02.8 of the Constitution of the Minnesota State High School League provides a Fair Hearing Procedure for a student, parent or guardian to appeal a school's determination of ineligibility of a student pursuant to the student's violation of a League bylaw.

A. The purpose of the Fair Hearing Procedure is to allow a local hearing panel to review the decision of the school representatives regarding the student's declaration of ineligibility. All rulings must be consistent with League bylaws. Only the Board of Directors has the constitutional authority to waive the application of the penalty for the violation of any bylaw.

B. These Fair Hearing Procedures apply to all eligibility situations where a student, parent or guardian contests the school's eligibility decision EXCEPT in the situations identified below.

1)The student admits to the violation.

2)The student neither admits to nor denies the violation, but accepts and serves the penalty.

3)The sole issue in question is the determination by the school to impose a penalty greater than the minimum League suspension for the violation.

4)The principal's decision regarding the school's eligibility requirements for the student, including student code of responsibilities. (See Bylaw 206.1 and 206.2)

2. General Eligibility Review Process

Bylaw 305—Master Eligibility List and Bylaw 306—Responsibility for Student Eligibility indicates it is the responsibility of the school administrator to determine the eligibility of all students who participate in League-sponsored programs offered by their schools. When a student's eligibility is in jeopardy due to an alleged violation of the League bylaws and policies, the school will conduct an investigation. The investigation will begin on the day the school is first notified of the alleged violation and it shall conclude within ten (10) school business days. At the conclusion of the investigation the school must make a determination of the eligibility status of the student. It shall be the responsibility of the member school to notify the student, parent or guardian in writing of the eligibility determination. The written notification must also include a copy of the Fair Hearing Procedure and the Acknowledgement of Rights.

A. A student, parent or guardian may contest a school's eligibility decision as follows:

1) Within ten (10) school business days of the documented notification regarding eligibility, the student, parent or guardian must request a hearing on the school's

eligibility decision. The written request for hearing must include a statement outlining the basis for the claim of eligibility.

2) The school administrator shall convene a hearing panel of from three (3) to five (5) members within ten (10) school business days after receipt of the request for hearing. The hearing panel may include a member of the School Board, a member of the school's administrative staff and a member of the school faculty, or the school may elect to have the hearing conducted by an independent hearing officer.

a) Any member of the school staff who was involved in the investigation or the initial eligibility determination cannot serve as part of the hearing panel.

b) One member of the hearing panel must be identified as the chair.

c) The school must send the notification of the hearing by certified mail or personally deliver it to the student's parent(s) or legal guardian(s).

d) The student's parents(s) or guardian(s) must be provided a minimum of three (3) school business days notice beginning with the receipt of the notice of the hearing.

e) The notice shall state the date, time, and place of the hearing.

f) The student shall have a right to be represented by a person of the student's choice, which may include legal counsel.

g) All costs of the hearing incurred by the school shall be borne by the school.

3) The hearing panel shall:

a) **Designate** one of the panel members as the chair.

b) **Make** an audio recording of the hearing and preserve a written record pending ultimate outcome of the matter.

c) **Hear** the complete evidence on the matter.

d) **Determine** if the school's declaration of ineligibility is supported by a preponderance of evidence and is consistent with League bylaws. When making this determination, the committee shall meet on its own and no other persons shall be present or participate in any way in the committee's deliberations.

e) **Issue** written findings of fact, conclusions and determination. The written findings, conclusions and determination shall be sent by registered mail or personally delivered to the student, parent or guardian and the Executive Director of the League within four (4) school business days of the conclusion of the hearing. The findings, conclusion and recommendations shall be stated in sufficient detail to apprise the parties of the basis and reason for the

determination. The chair of the hearing panel shall be responsible for composing the written findings and shall sign the findings on behalf of the hearing panel.

f) **Within ten (10) school business days** of receipt of the determination of the hearing panel the Executive Director of the League or his designee shall either affirm or overrule the determination made by the school hearing panel based on compliance with League bylaws. If the decision of the hearing panel is overruled, then the Executive Director shall notify the school and the student and the student's parent(s) or guardian(s) of his decision registered mail. If the decision of the hearing panel is affirmed, notification shall be sent by first class mail.

B. A student, parent or guardian may appeal the decision of the hearing panel or Executive Director of the League to the League Board of Directors. To appeal, the student, parent or guardian must:

1) Submit a written notice of appeal to the Executive Director of the League and a copy to the school principal. The notice of appeal must be personally delivered or postmarked within ten (10) school business days of the receipt of the written findings of fact, conclusions and determination from the school hearing panel or the decision of the League Executive Director. The notice must outline the basis of the appeal.

2) The written request for a League-level fair hearing will be reviewed by League staff. Within ten (10) business days of the receipt of the written request the League will contact the student, parent or guardian to indicate whether the rationale warrants a League-level fair hearing. An extension to the ten (10) day notification window may be made by mutual agreement.

3) If the appeal request is granted the hearing shall be scheduled on a mutually acceptable date.

4) The appeal by an Independent Hearing Officer shall be a review of the proceedings and the record of the local hearing panel decision or the decision of the League Executive Director.

5) The proceedings of the appeal shall be recorded and preserved pending the ultimate disposition of the matter. In the event that the audio recording or the written record is inadequate for review, the hearing officer may remand the case back to the local school district for a new hearing.

6) The appeal shall be heard by an Independent Hearing Officer. If all parties agree, the hearing may be conducted by telephone; or the hearing may consist of an independent review of the local level record which shall include the documents presented at the hearing and the written arguments.

7) The student shall have a right to a representative of the student's choice, which may include legal counsel.

8) Within four (4) business days of the oral presentation made at the League level, the Independent Hearing Officer shall make a recommendation to the League Board of Directors. The recommendation shall be in writing and based upon the record, including the oral and written presentations of the parties from the local level hearings. The recommendation of the Independent Hearing Officer will govern the student's eligibility until action by the League Board of Directors or by the League Executive Director acting on behalf of the League Board of Directors.

9) The League Board of Directors will review and officially act upon the matter at its first regularly scheduled meeting following the receipt of the Independent Hearing Officer's decision.

10) The decision of the League Board of Directors shall be final.

11) If any of the procedural steps identified in sections 2.A.1, 2.A.2, or 2.A.3 above are omitted during the local level hearing and the Independent Hearing Officer finds that the student has been prejudiced, the Independent Hearing Officer may direct the school to rehear the case at the local level. If a rehearing is required, a new local hearing panel shall be used.

C. A violation of the technical provision of the Fair Hearing Procedure, made in good faith, is not a defense to the disciplinary procedure unless the student can show actual prejudice as a result of the violation.

3. Transfer Eligibility Review Process

A. Policy. It is the policy of the League to provide, promote, extend, manage and administer competitive activities for Minnesota youth. The League's member schools have determined that student movement from school to school should be restricted. To accomplish this goal, the League adopted Bylaw 111 to restrict student movement between schools to prevent athletic transfers and ensure competitive equity amongst schools regardless of athletic ability. The League has found that to best achieve this goal, it does not determine whether a transfer was for athletic purposes but rather determines that all Transfer Students are deemed presumptively ineligible for varsity athletics unless they meet one of the exceptions listed in Bylaw 111 or as outlined in these Independent Hearing Procedures.

B. Transfer Eligibility Appeal Procedures. The Application to Appeal a Transfer Eligibility Determination is limited to the following circumstances:

1) Documented internal Board of Education policies regarding the movement of students within the school district.

2) Adoption, abandonment, or death of a parent.

3) A documented substantial negative change in the economic status of the student's parents which requires the student to withdraw from their current school and enroll in

the public school located in the public school district attendance area where the student's parents reside.

4) Intolerable conditions at the Sending School as affirmed in writing by the Sending School. When situations arise that the student or parents believe have created an intolerable condition, the acts complained of must first be reported to the appropriate administrators at the school so they have the opportunity to investigate and take any action they deem necessary to resolve the problem. If the parents believe that actions or situations are occurring that have an adverse impact on the physical or psychological well-being of the student, the student must have been referred to an appropriate medical or psychological professional. That professional must prepare a written report that can be provided, on a confidential basis, to the school, the League office and the independent hearing officer if a hearing is required. If police action has been taken, copies of the reports showing that an investigation was actually conducted and the results of that investigation must be provided. In general, allegations alone are not sufficient. There must be some reasonable and believable substantiation presented to indicate an incident or incidents actually occurred. As well, the perpetrators must be identified.

5) Administrative error in addressing a student's initial eligibility.

6) Completion of a licensed program for treatment of alcohol or substance abuse, mental illness or emotional disturbance provided all other eligibility rules are followed.

C. Transfer Eligibility Appeal Process. Transfer eligibility determinations and transfer eligibility appeals can only be submitted to the League after the student has completed the transfer. A transfer is considered complete when the student attends school at the Receiving School or participates in a fall sport practice prior to the first day of school for the school year.

1) The school administrator at the Receiving School shall make an initial eligibility determination based upon the factors outlined in Bylaw 111.1.B(i)-(v) and submit the electronic transfer form to the League office for review. The Receiving School administrator shall inform the student and the student's parent(s) or guardian(s) of the eligibility determination. The Receiving School administrator shall also inform the student, parent(s) and/or guardian(s) that the student can choose to participate at the Receiving School at the non-varsity level for one calendar year beginning with the first day of attendance or choose to participate at the Sending School at the varsity level for one calendar year pursuant to Bylaw 111.1.C. The choice of participation at the Receiving School or Sending School is an "either or" decision and, once made, the student can only participate at that school. For example, the student cannot participate at the sending school for a fall sport and then participate at the receiving school for a winter sport.

2) If the student chooses to participate at the varsity level at the Sending School for one year, these procedures are not applicable.

3) If the student chooses to participate at the Receiving School, staff at the League office shall review the Receiving School's initial transfer eligibility form and send an electronic

response to the Receiving School administrator agreeing or disagreeing with the Receiving school's initial eligibility determination.

a) If the student, parent(s) or guardian(s) appeal the initial eligibility determination and is subsequently not granted varsity eligibility at the Receiving School, the student may not then choose to participate at the Former School. The student cannot participate at the Receiving School, appeal eligibility and then if the appeal is not granted, participate at the Sending School.

4) The student, parent or guardian may appeal the Receiving School's initial transfer eligibility determination based upon the factors outlined in Bylaw Policy 111.B (i-v). The Receiving School administrator shall be solely responsible for submitting an appeal to the League, in writing, electronically or by hard copy. The appeal shall include the following:

a) The rationale for the appeal and any supporting documentation from the student, parent or guardian;

b) Information and documentation from the Receiving School;

c) Information and documentation from the Sending School;

5) League staff will review the appeal and take appropriate action, including but not limited to:

a) Granting the appeal;

b) Denying the appeal; or

c) Requesting additional documentation or information from the student, parent or guardian, and/or the schools;

6) If the appeal is denied, the student, parent or guardian may request an Independent Hearing at the League level. The request for an Independent Hearing shall be submitted by the Receiving School administrator and shall a) be in writing; b) include the specific rationale describing why an Independent Hearing at the League level should be held; and c) include documentation supporting the rationale for a League-level Independent Hearing.

7) After a review of the request for an Independent Hearing, the League office will either grant or deny the request for an Independent Hearing.

a) If the request for an Independent Hearing is granted, the hearing will be held before an independent hearing officer appointed by the League and at the League's expense. If all parties agree, the hearing may be conducted by telephone. The student shall have a right to be represented by a person of the student's choice, which may include legal counsel. The independent hearing

officer's recommendation shall be effective until reviewed by the League Board of Directors at its next regularly scheduled meeting.

b) If the request for an Independent Hearing is denied, the transfer eligibility determination shall remain effective until reviewed by the League Board of Directors at its next regularly scheduled meeting.

c) At its next regularly scheduled meeting, the League Board of Directors will accept or deny the recommendations of the independent hearing officer or accept or deny the transfer eligibility determination. The decision of the League Board of Directors shall be final.

4. Eligibility Appeal Procedures for a Transgender Student

A. Introduction. In accordance with applicable state and federal laws, rules and regulations, the Minnesota State High School League allows participation for all students consistent with their gender identity or expression in an environment free from discrimination with an equal opportunity for participation in athletics and fine arts.

B. Transgender Eligibility Appeal Procedures. The application to appeal a transgender eligibility determination is limited to the following circumstances:

1) The school must have made a determination of ineligibility based on the student's gender identity after receiving information that the student has a consistent gender identity or that the gender identity is sincerely held as part of the student's core identity and the gender identity is different from the student's sex assigned at birth and that the student wishes to participate in athletics in a manner consistent with the student's gender identity.

2) The appeal must be submitted to the MSHSL Executive Director or Executive Director's Designee and may include, but is not limited to, the following:

a) The student's current transcript, school registration and any additional relevant information.

b) The written statement from the student and the student's parent(s)/legal guardian(s) affirming the consistent gender-related identity and expression to which the student self-relates.

c) Statements from individuals such as, but not limited to parents, friends, and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent or sincerely held gender-related identification and expression.

d) A written statement from an appropriate health-care professional, acting within the scope of his/her licensure that verifies the existence of the student's

consistent and uniform gender-related identity or sincerely held gender-related identity.

e) Any other evidence that the gender identity is sincerely held as part of the person's core identity as may be required by the school or the MSHSL office relative to the eligibility determination.

3) When the MSHSL Executive Director or the Executive Director's Designee has received the appeal from the student, the Executive Director or the Executive Director's Designee shall contact an Independent Hearing Officer who will review the submitted information.

4) In addition to the review of submitted information, the Independent Hearing Officer may:

a) Communicate with experts, within their scope of licensure, with experience in gender identity health care.

b) Communicate with the Minnesota Department of Education, Office of Monitoring and Assistance.

c) Communicate with legislative counsel relative to existing state laws, rules and procedures.

d) Communicate with representatives of the U.S. Department of Education, Office for Civil Rights regarding Title IX and related laws, rules, guidance and procedures.

e) Review any other pertinent information as may be necessary in order to render a decision that complies with state and federal laws, rules and regulations.

5) Following a complete review of the information, the Independent Hearing Officer's recommendation shall be effective until reviewed by the MSHSL Board of Directors at its next regularly scheduled meeting.

6) If the Independent Hearing Officer affirms the eligibility of the student, the student will be eligible to participate in MSHSL activities consistent with the student's gender identification for the balance of the student's high school eligibility.

7) Any decision of the Hearing Officer shall take into account the exemptions for religious affiliated non-public schools as set out in Minn. Stat. 363A.24, 363A.26, 20 U.S.C. 1681(a)(3) and 34 C.F.R. 106.12(a).

Amended on February 4, 2016 as recommended by the MN Department of Education; Division of Compliance and Assistance on December 17, 2015.

5. IEP/504 Appeal Procedure

Updated June 10, 2024

A. Introduction. Minn. Stat. 128C.02, subd. 5(c) requires the MSHSL to “...adopt league rules making a student with an individualized education program who transfers from one public school to another public school as a reasonable accommodation to reduce barriers to educational access immediately eligible to participate in league-sponsored varsity competition on the same basis as other students in the school to which the student transfers. The league also must establish guidelines, consistent with this paragraph, for reviewing the 504 plan of a student who transfers between public schools to determine whether the student is immediately eligible to participate in league-sponsored varsity competition on the same basis as other students in the school to which the student transfers.”

B. Procedure. The following procedure was approved by the MSHSL Board of Directors for students with an individualized education program (IEP) or 504 plan on August 5, 2014.

Step 1: *A student/the student’s parent(s)/legal guardian(s) will submit, in writing, information to the Executive Director of the Minnesota State High School League (MSHSL) identifying:*

- a) The barriers to educational access they believe are present at the school (sending school) in which the student is enrolled; and*
- b) The school (receiving school) to which the student intends to enroll; and*
- c) The specific programming available at the receiving school that will constitute a reasonable accommodation to reduce barriers to educational access.*

Step 2: Upon receipt of the letter from the student/student’s parent(s)/legal guardian(s) the Executive Director of the MSHSL shall contact the school principal/activity director/IEP/504 case manager at the sending school to:

- a) Affirm that the sending school has met with the student/student’s parent(s)/legal guardian(s) and has discussed the identified barriers to educational access; and*
- b) Affirm that the school believes the student/student’s parent(s)/legal guardian(s) believe that there are barriers to educational access as identified in the letter submitted to the Executive Director of the MSHSL; and*
- c) Ask if the principal/activities director/IEP/504 case manager believes the transfer to the public school identified in the letter from the student/student’s parent(s)/legal guardian(s) is athletically motivated.*

Step 3: At the same time the letter is sent to the sending school the Executive Director of the MSHSL shall contact the receiving school to:

- a) Affirm that the receiving school has met with the student/student’s parent(s)/legal guardian(s) to discuss the identified barriers to educational access at the sending school; and*

b) Affirm that the student/student's parent(s)/legal guardian(s) believe that there are barriers to educational access at the sending school as identified in the letter submitted to the Executive Director of the MSHSL; and

c) Affirm, given the information identified by the student/student's parent(s)/legal guardian(s), that opportunities are available at the receiving school to reduce the identified barriers to educational access; and

d) Affirm, to the extent possible, that the transfer from the sending school to the receiving school is not athletically motivated.

Step 4: The Executive Director of the MSHSL will review all of the information submitted by the student/student's parent(s)/ legal guardian(s), the sending school and the receiving school and will render a decision relative to the eligibility of the student.

Step 5: If the student/student's parent(s)/legal guardian(s) wish to appeal the decision of the Executive Director of the MSHSL, they may do so, in writing, and an Independent Hearing Officer shall be called to review the documentation provided and render an eligibility determination.

Step 6: The determination of the Independent Hearing Officer shall be final pending action by the MSHSL Board of Directors at their next regularly scheduled meeting.

FAIR HEARING ACKNOWLEDGEMENT OF RIGHTS

We _____, the parents/guardians,

and _____, the student,
acknowledge that we have requested an evidentiary hearing to determine the eligibility of the above named student to participate in activities sponsored by the Minnesota State High School League.

We acknowledge that we have the right to legal counsel of our own choosing to represent us at said hearing. We also understand that we can present witnesses and other evidence at said hearing, including documentary evidence that is favorable to our position. During the hearing, the Minnesota rules of evidence need not be strictly followed and the records of the school shall be considered without further foundation.

Date: _____ Parent /Guardian: _____

Date: _____ Parent / Guardian: _____

COACHES HANDBOOK



SCHOOL SPONSORED ACTIVITIES GRADES 7-12

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Welcome to Independent School District 726, home of the Bulldogs. We are excited to have you as part of our Activities Department. This manual is intended to give you an overview of your responsibilities and opportunities, as well as general information about your coaching/advising assignment. It is not intended to cover every possible question that may arise during your time as a coach/advisor, therefore, you are encouraged to contact the Activities Director if you should have questions.

ACTIVITIES PHILOSOPHY

The contents of this handbook apply to all Becker Public Schools sponsored activities in grades 7-12 unless specifically stated otherwise.

The activities programs in Becker will provide the opportunity and the incentive for each student athlete to develop mentally, physically, morally, and socially to the fullest of his/her abilities. The activities programs shall be directed toward the welfare and the best interest of the student participant.

Becker High School is of the belief that athletics and activities are an integral part of the educational system. It is believed that activities contribute to the educational process of developing well-rounded individuals and young adults. Through the combined support and efforts of the community; school district and activities staff, students are given the opportunity to participate in the activities program as spectators and competitors.

These educational experiences allow students to benefit in such areas of development as: interpersonal relationships, group interaction and cooperation, self concept and character, goal setting and values, leadership, initiative, discipline, loyalty, sportsmanship, physical skills and growth, and the personal pride and satisfaction participating and competing in these activity programs.

Since life demands many of the same qualities that are developed through activities, this opportunity will assist in preparing our students to meet life's challenges as contributing, worthwhile citizens.

SPORTS PHILOSOPHY

1. Participation in activities is not a right but a privilege that is earned through sportsmanship, team play, mental discipline and hard work.
2. Varsity Sports Philosophy: Becker has chosen to compete at the interscholastic level rather than at the intramural level. With this in mind, winning is an important part of our program. We feel we can best challenge our athletes to develop their abilities through this type of program. By no means is it a 'win at all costs' philosophy but a strong effort to win the contest will be made by the players and the coaches through the application of strategies that provide the highest probability of the best result. The goal of winning may have priority over full participation of all individuals.
3. Junior Varsity and Middle School Sports Philosophy: At these levels of competitions the emphasis is put on participation both during contests and during practices. Each participant will be given the opportunity to develop his/her skills. Contests will be scheduled to develop the students' abilities as well as to prepare them for competitive situations. The priority is participation of all individuals over winning.

Activities Department Mission

District Vision: Developing self-directed learners to thrive in a changing global community

Becker Activities Vision: Instilling key life principles for success

We believe that:

1. participation in activities develop **positive attitudes, good citizenship, sportsmanship, a competitive spirit, and confidence**
2. student activities provide **life-long learning opportunities**
3. student activities promote **perseverance and resilience**, whether winning or losing the student participants face challenges with a “can do “attitude and the ability to bounce back from adversity or experiencing a loss to continue to compete
4. student activities provide a program where everyone understands the **safety and welfare** of the participants shall, at all times, be paramount to the outcome of the contest
5. student participants learn the value of **teamwork** through developing positive relationships with teammates, opponents, coaches, spectators, and officials
- 6.. student participants **enhance** their physical, mental, and spiritual **well-being** through participation
7. the **character** of the student participant is enhanced through the successes and failures that come through participation

BHS SPORTSMANSHIP CODE OF ETHICS

Sportsmanship is characterized by courtesy, fairness and respect. It is interpreted by the conduct of the participants, coaches, advisors, school staff and spectators. We at Becker are continually striving to maintain and improve these qualities.

Becker School District has adopted the following Sportsmanship Code:

1. We will be courteous in speech and action at all times.
2. We will respect our opponent at all times.
3. We will be loyal to our own team but also applaud the abilities of players on all teams.
4. We will obey instructions given by schools and those in charge.
5. We will play according to the rules of each game or contest.
6. We will respect the decisions of game officials.
7. We believe to have a successful team we must have a will to win but will enjoy the contest; win, lose, or draw.



COACHES



CODE OF ETHICS

NATIONAL FEDERATION COACHES ASSOCIATION

The function of a coach is to educate students through participation in interscholastic competition. An interscholastic program should be designed to enhance academic achievement and should never interfere with opportunities for academic success. Each student-athlete should be treated as though he or she was the coaches' own, and his or her welfare should be uppermost at all times. Accordingly, the NFCA Board of Directors has adopted the following guidelines for coaches.

The coach shall be aware that he or she has a tremendous influence, for either good or ill, on the education of the student-athlete and, thus, shall never place the value of winning above the value of instilling the highest ideals of character.

The coach shall uphold the honor and dignity of the profession. In all personal contact with student-athletes, officials, athletic directors, school administrators, the state high school athletic association, the media, and the public, the coach shall strive to set an example of the highest ethical and moral conduct.

The coach shall take an active role in the prevention of drug, alcohol, and tobacco abuse.

The coach shall avoid the use of alcohol and tobacco products when in contact with players.

The coach shall promote the entire interscholastic program of the school and direct his or her program in harmony with the total school program.

The coach shall master the contest rules and shall teach them to his or her team members. The coach shall not seek an advantage by circumvention of the spirit or letter of the rules.

The coach shall exert his or her influence to enhance sportsmanship by spectators, both directly and by working closely with cheerleaders, pep club sponsors, booster clubs, and administrators.

The coach shall respect and support contest officials. The coach shall not indulge in conduct that would incite players or spectators against the officials. Public criticism of officials or players is unethical.

The coach should meet and exchange cordial greetings with the opposing coach to set the correct tone for the event before and after the contest.

The coach shall not exert pressure on faculty members to give student-athletes special consideration.

The coach shall not scout opponents by any means other than those adopted by the league and/or state high school athletic association.

Coaches Contract Information

Upon your assignment to a coaching/advising position, the Activities Director (A.D.) will outline your approximate dates of employment, as well as your compensation. In general, your “season” runs from the first allowable practice date as set by the Governing Organization—generally the Minnesota State High School League (MSHSL) (Note: a start date may be set as determined by the A.D. for lower level activities) until the conclusion of your season. For varsity activities, the season ends with the last day of the State Tournament. The compensation is determined by the contract between the district and the Becker Education Association (BEA) for Schedule C positions. Each coach/advisor will be paid in two equal installments according to the season sport schedule.

Hiring process for coaches/advisors

All Schedule C positions will be posted/hired according to the provisions of the contract between School District 726 and the designated collective bargaining unit (BEA).

Adding coaches/advisors

Safety, Title IX and a positive activity experience are important factors for the Activities Department when considering the number of coaches each activity will hire. In general, coaching requests should be made a year ahead of time within the normal budgetary process. On occasion, a specific activity may have a larger turnout than expected which may necessitate the hiring of additional coaches/advisors. If the head coach/advisor of an activity believes there are sufficient number of participants to warrant an additional position, they are encouraged to speak with the A.D. and have the justification (statistics) to justify their request. Upon hearing the justification, the A.D. will review the budget numbers and will determine whether or not an additional paid (schedule C) position is requested. All paid (schedule C) positions must be approved by the Becker Board of Education. The addition of an unpaid (volunteer) coach or advisor will be requested by the head coach and approved by the A.D.

Professional and Personal Relationships:

Rapport: A coach must develop good rapport with any number of individuals and groups at the outset: with team personnel; with the student body; with members of the professional staff involved (teachers, custodians, bus drivers); with the community as a whole and particularly with the parents, spectators, and athlete; with the media representatives; and with the corresponding coaches of the league and district.

Cooperation: The Activities Director expects a maximum of cheerful give and take between all individuals associated in any degree with the comprehensive activities program. Coaches must work hand-in-hand with the Activities Director, Principal, and other members of the staff. Limited budgets, extended activity programs, and heavy demands on limited facilities make “**cooperation**” the magic word.

Leadership: A coach should be in control at all times. Language, actions, and emotional displays come under close scrutiny, both in practice and game conditions. A coach is responsible for every facet of description: school codes and regulations, MSHSL training rules, game rules, ideals of sportsmanship, even student body and crowd behavior. A coach must instill the “desire” to win, to do well, and to lose with dignity.

General Responsibilities For All Coaches

For the purpose of this manual, the term “coach” refers to any director, advisor, or coach employed by Becker Public Schools. Any coach in charge of participants at any level and in any activity will be expected to maintain a high degree of integrity for carrying out their duties and responsibilities. Be an example for your athletes in language and behavior (profanity must not be used).

Listed below are general expectations / responsibilities:

1. One coach should be the first to arrive and the last to leave.
2. Be sure that all participants have the proper paperwork completed before they are allowed to practice. Check all players' eligibility online.
3. Establish a policy handbook for your activity that includes team rules and regulations, attendance requirements, awards, discipline, and other pertinent information.
4. Prepare team rosters and load onto the rSchools website prior to the first contest allowing visiting teams to print.
5. Determine bus times and load onto the rSchools website.
6. Have first aid equipment and medical information available at all times. Have an Emergency Action Plan in place for serious injury.
7. Always have supervision in the locker room and practice area when possible.
8. Demonstrate the manner in which equipment is to be worn and make sure all participants are properly equipped.
9. Have a practice plan for all practices.
10. The head coach is responsible for teaching the skills and techniques of the activity and for instructing other coaches in the program on how the skills and techniques are to be taught.
11. Coaches should be dressed in appropriate workout gear during practice and dress appropriately for all games and trips. Coaches should expect their team to dress appropriately and they should set a good example.
12. Assign managers and their duties.

Head Coaches:

The head coach has the year-round responsibility for the development of his/her particular program. In doing so, the coach is expected to instruct the athletes in the fundamental skills, strategy, and physical training necessary to realize a degree of individual and team success. In addition, the coach shall provide student participants instruction that will lead to the formulation of good moral values, pride of accomplishment, acceptable social behavior, self-discipline, and self-confidence.

1. Have an understanding of the rules and regulations regarding the sport as presented in the MSHSL and NFHS rulebook and has a thorough knowledge of the athletic policies in the Activities Handbook as well as the policies of the MN State High School League, and is responsible for implementation of those rules, regulations and policies with the entire coaching staff of their program.
2. Must satisfy all licensure or certification requirements to be a Head Coach in the State of Minnesota.
3. Must complete all MSHSL coaching requirements on or before the deadlines set by the League.
4. Has full responsibility for the overall supervision of the program including Varsity, Junior Varsity, B-team, 9th grade, and Middle School teams.
5. Is in charge of assignments and the delegation of duties for assistant coaches in the program.
6. Encourages professional growth by joining the state coaches association and attending coaching clinics with the recommendation that assistant coaches also do the same.
7. Organizes pre-season meetings for parents, coaches/advisors, players, and guests.
8. Is responsible for ensuring all participants have completed the necessary eligibility paperwork before being allowed to participate in the program.
9. Is responsible for the general health and welfare of the students in the activity.
10. Is responsible for the conduct and actions of all participants when under his/her supervision.
11. Is responsible for handing in bus schedules needed in the program and for clearing departure times with the Activities Director or Activities Director's Assistant. A list of the students departing early will also be provided for early dismissals.
12. Will ensure that all participants have transportation home after returning from an away event. In addition, will not leave until each player has been picked up after returning home.
13. Is responsible for supervision of and proper conduct in locker rooms, shower rooms, and play and practice areas and is to make sure these areas are clean and safe for the participants. Must make sure that locker rooms are supervised until all students have left the building.
14. Will secure all doors, lights, and locks before vacating the building.
15. Is responsible for reporting scores and statistics to proper newspapers, radio, and TV stations.
16. Is responsible for keeping emergency phone numbers easily accessible for all coaches in the program and for having an Emergency Action Plan to handle serious injuries. This Plan is also to be on file in the Activities Director's office.
17. Is responsible for the general upkeep and protection of the equipment in the program.
18. Is responsible for a detailed inventory of all equipment at the end of the season, and is responsible for properly cleaning and storing all equipment in the designated areas.
19. Instills in each participant, a respect for equipment and school property.
20. Works with the Activities Director to recommend program purchases within the allocated budget for their program.
21. Is responsible for keeping records as requested by the Activities Director, especially attendance, injuries, disciplinary problems, and post-season awards. Lists of post-season awards will be given to the Activities Director immediately following the season for record keeping and/or for the printing of awards.
22. Will complete the post-season evaluation materials provided by the Activities Director and will return those materials in a timely manner at the completion of the season. A meeting will be scheduled with the Activities Director to discuss evaluation materials.

23. Will work together with booster organizations and other community groups to positively promote their activity.
24. Has a primary responsibility of striving to build good sportsmanship and developing good public relations in the school and community.

Assistant Coaches:

1. Have an understanding of the rules and regulations regarding the sport as presented in the MSHSL and NFHS rulebooks.
2. Keep abreast of all rules and rule changes; attend rules interpretation meetings, innovative ideas and coaching techniques by attending clinics and reading.
3. Assist head coach in overall development of the program.
4. Assume responsibility for care of equipment and facilities.
5. Assume supervisory control over participants and teams you have been assigned and over all participants when such control is needed.
6. Be in attendance at all practices and games and arrive early for games and practices.
7. Supervise locker room areas until all participants under your supervision have left the building.
8. Emphasize safety precautions; be aware of best training procedures and injury prevention action.
9. Apply discipline in a firm and positive manner.
10. Conduct self and teams in an ethical manner during contests and practices.
11. Instruct participants in rules of the game, rule changes, new developments, and innovative ideas.
12. Is responsible for teaching proper skills under the direction of the head coach.
13. Assist in return, storage, and inventory of equipment.
14. Recommend participants for awards.
15. Assist with awards banquet.
16. Additional responsibilities as assigned by the head coach.

Middle School Coaches:

Middle School coaches are under the direction of the head coach and the Activities Director. The responsibilities listed below are to serve as a guide to middle school coaches. Additional responsibilities may be inherent in certain programs and may be assigned by the head coach or the Activities Director.

1. Has full responsibility for the supervision of the middle school program and is answerable to the head coach and the Activities Director.
2. Is responsible for working with other middle school coaches in the program.
3. Is responsible for keeping practice periods within the confines of the practice schedule set up by the Activities department and for keeping the Activities Director informed of any changes.
4. Is responsible for the protection and upkeep of equipment.
5. Communicate regularly to the head coach and activities director regarding developments in the program.
6. Is responsible for a complete inventory at season end.
7. Is responsible for proper storage of equipment
8. Is responsible for keeping records as requested by the head coach and Activities Director such as attendance, injuries, etc.
9. Is responsible for teaching good sportsmanship and developing good public relations in the school and community.
10. Is responsible for seeing that each participant has turned in the proper eligibility forms.

11. Is responsible for the actions and conduct of the team at all times when it is under his/her supervision..
12. Will ensure that all participants have a ride home after returning from road trips, and will not leave until all participants have been picked up by a parent or parent designee.
13. Is responsible for making sure that locker rooms, shower rooms, and practice and game areas are safe and clean.
14. Is responsible for keeping emergency phone numbers easily accessible and has an Emergency Action Plan in place.

Volunteer Coaches

Volunteers can be a vital component of successful activities programs. In general, volunteers should be used to augment, not replace, hired coaches and advisors. There are guidelines that must be followed for coaches/advisors to entertain the usage of volunteers in an activity. All volunteers must be pre-approved by the A.D. so a background check form can be filled out and submitted **BEFORE** they begin working with our student-athletes. This does not include the use of parent volunteers for one-time events such as scorekeeping or chaperoning. Volunteers should not transport students in vehicles. If volunteers are utilized, they can supervise students, but should not have sole supervisory authority for students. In other words, volunteers should not be the first or last one present at an activity and should not have duties such as unlocking/locking buildings, fields, etc. A paid coach/advisor must provide oversight of the volunteer.

MSHSL Coaches Dashboards and Continuing Education Requirements

All coaches of teams in Grades 7-12 are required to create a Coaches Dashboard on the MSHSL website. Once this has been done, all coaches of athletes in grades 7 and 12 must complete Continuing Education Requirement (CER) Units 1-4 which includes the Concussion Protocol, Diversity, Equity, Inclusion, and Belonging in the MSHSL, Inside Out Coaching, the General Rules meeting, and the Sport-specific Rules meeting(JV/V coaches only).

Practices

All practices are to be supervised by the contracted coach or advisors at all times. Any replacement coach/advisor must be approved in advance by the AD.

1. All practices must be scheduled so they can be put on the facilities calendar. Coaches are to do their best to avoid scheduling practices during parent-teacher conferences or open houses so as to not interrupt the opportunity for students and parents to discuss academic achievement with staff during those events.
2. Sunday meetings or practices with activity participants are prohibited by the MSHSL. Practices on other holidays must be voluntary with clear indication that they are voluntary. Practices when there is no regular classroom instruction scheduled or over extended periods without school may be scheduled by the coach with the approval of the AD. No practices will be held after 6:30pm on Wednesday.

Injury Care and Reporting

All participants must be reminded repeatedly to report all injuries to their coaches as soon as possible. Coaches should administer first aid they feel qualified to handle and refer the participant to the Athletic Trainer, parents, or physicians for severe injuries. Each coach/advisor, regardless of level, is ultimately responsible to provide a safe environment for each participant. All coaches/advisors are encouraged to maintain a current CPR and First Aid certification, if possible. If a participant is injured, the

coach/advisor shall provide a detailed description of how the injury took place and what steps were taken by the coach(s) or if the Emergency Action plan was enacted. This description should be shared to the Athletic Trainer, School Nurse, and the Activities Director. The coach should also contact the parents of the injured athlete to inform them of the injury. Emergency parent contact information is available for coaches at www.beckeractivities.com.

When an athlete/participant is injured and must seek medical treatment, the coach/advisor will ensure that the athlete does not participate again until the participant is cleared/released by the Athletic Trainer. The Athletic Trainer will be responsible for injury management and written clearances/releases provided from a doctor.

Discipline With Participants

From your position as coach, you may provide one of the greatest opportunities to understand the need for discipline that a student may encounter in the total educational experience. Your practice procedures, attendance regulations and game tactics, as well as the manner in which you deal with rule violations will reflect your disciplinary abilities and greatly determine your effectiveness as a coach. The head coach is usually the judge of what shall be done when rules are violated, but the principal and activities director must be informed when any serious violation occurs.

Some standard guidelines might help to be more consistent when major infractions do occur:

1. We want to be firm, but ensure that justice prevails.
2. We are concerned first about what is best for all participants and second with what is best for the individual.
3. Suspension is usually the best device where major discipline is needed because it is felt most strongly by the participant and makes it clear that the team will do without him/her if he/she does not live up to the standards set. It is here that explanations be given fully to the participant and his/her parents. The suspension may be for a definite period of time or it may be indefinite if some type of corrective behavior must be displayed.

Discipline may be the key to the success of your team. Be firm, be fair, and be consistent. Make sure your athletes know the standards by which you are going to run your team.

Transportation Requirements and Guidelines

All team members and managers must travel on the assigned bus to and from the event. Written permission from the parent or guardian is necessary in the Activities Office before leaving on the trip if a student will be riding home with an adult over the age of 21 who is not their parent or legal guardian. The coaches/advisors will receive notification from the Activities Office if permission is granted.

Coaches Responsibilities On Trips:

1. Hold a team meeting before departure to finalize the itinerary. Participants should inform parents of these facts. This should be done in writing for special trips such as state meets or overnight trips. Include addresses and phone numbers of hotels. Each participant must double check equipment and assume responsibility for it throughout the trip.
2. Prepare a checklist of equipment needed.

3. Any injured participant may only be released to parents or to the doctor.
4. Inform participants on the safekeeping of valuables.
5. Travel itinerary should be cleared with the Activities Director's office.
6. No inappropriate behavior will be allowed and no obscene language will be allowed. Set standards of behavior and hold to them.
7. Bus/Restaurant/Hotel Conduct:
The coach should double check locker rooms, hotel rooms, restaurants, and buses to make sure nothing is left and that everything is picked up and that no damage is done. Do not tolerate horseplay, loud shouting, hanging out of windows, or other inappropriate behavior. Set rules up ahead of time. The coach is responsible for bus conduct, not the driver.
8. Use of Opponents Dressing Facilities:
Coaches should discuss with team members appropriate conduct when using dressing rooms. The condition of the facility should be noted upon arrival and before leaving to protect against vandalism. Also, guard against stolen items. Any item found is to be turned in to the Activities Director for return to the opponent. Also, double check so equipment is not left behind.

School Closing

When school is closed or dismissed after being in session due to inclement weather, no formal practice or scheduled events may be held that day. The following policy will be followed:

1. Early Dismissal: When school is dismissed early due to inclement weather, there will be no practices or scheduled events for the remainder of that day.
2. Closed for Entire School Day: When school is closed for the entire day due to weather conditions, there will be no formal practice or scheduled events that day. **Rare exception may be for a Region-sponsored event. AD, Superintendent of Schools, and Transportation Director will discuss and make a decision based on the safety of any students/staff involved with the activity that is to take place that day.
3. Late start: When school has a late start, there will not be any practices or scheduled events before school. **Exception would be if the Superintendent approves such a practice before school start times.

Budget and Purchasing

1. Uniforms for each activity will be replaced as necessary upon the approval of the AD. The life of the uniform is on a 5-year rotation.
2. All purchasing will be the responsibility of the AD based on budget or fundraising availability.
3. Head coaches are responsible for submitting requests for purchases of equipment and capital items to the AD in a timely manner to ensure delivery prior to the start of their season.

Scheduling

1. All activity schedules are the responsibility of the AD. Each coach is encouraged to assist in the scheduling as much as possible.
2. All officials will be scheduled by the AD. Recommendations from coaches are important.

Eligibility of athletes/participants

Before a student can participate in a school-sponsored activity, they must meet certain eligibility requirements. Students should register online on the link provided on the Activities webpage. Once all of the paperwork is complete, a copy of their most recent physical has been turned into the Activities Office, and the activity fees are paid, they will show up on the online coaches report that they have met the eligibility requirements. Students should not be allowed to participate, even in practices, without all portions of the online eligibility paperwork complete.

It is the coaches/advisors responsibility to be familiar with both the School's and the MSHSL's rules for eligibility. Any reports of school or MSHSL violations should be forwarded immediately to the A.D. Players who are ruled ineligible by the A.D. will still be expected to be part of all team activities/practices and follow the same guidelines as those eligible participants, except in cases where the participant is excused from school or to be making up missing work or studying for class. Students must communicate with the coach if they miss practices due to academic responsibilities.

Fundraising

Coaches/advisors should consult the ISD 726 policies on fundraising, as all school or team sponsored fundraisers must be submitted for prior approval by the Superintendent and the Board of Education. The accounting of the funds from these fundraisers shall be the responsibility of the coaches and/or individual sports associations or booster clubs. In general, participation in fundraisers shall not be a prerequisite for players or participants and shall not be used to determine playing time issues or status with the team. In addition, the utilization of fundraisers by individual teams should be kept to a minimum.

Money raised should be used exclusively for augmenting the experience for players and should not be used for coaching apparel or other coaching perks. All fundraising requests should be discussed with and submitted to the A.D. before it is presented to the Superintendent for approval.

Clinics and State Tournaments

1. Coaches that are district employees that wish to attend coaching clinics or state tournaments must get prior approval from the AD and the building principal in which the coach works.
2. Any tuition expense for attending a clinic for credit must be paid by the coach.
3. Registration, tickets, and parking for clinics and state tournaments will be paid for by the school district and/or the activity account (Fund 15).
4. Each head coach and top varsity assistant coach/advisor may attend one day of the state tournament/performance for their activity. If the coach/advisor is an employee of the district, the substitute will be paid, but all other related expenses will be borne by the coach/advisor.
5. For teams/individuals participating in the state tournament/performance, the varsity and junior varsity level coaches in that activity will be permitted absences from school to perform their coaching duties.
6. State Tournament Pay (as per BEA contract): Coaches required to work beyond the regular season will be paid:

For Team Participation: For every week beyond two weeks of the last regular season competition, varsity coaches and varsity assistants will receive 5% of their salary per week of competition.

For Individual Participation: For every week beyond two weeks of the last regular season competition, varsity coaches and varsity assistant coaches will receive 3% of their salary per week of competition.

A coach that meets both criteria will be paid the higher of the two amounts. A week is defined as beginning on Monday.

Expense reports (MSHSL, conference/section meetings, etc.)

Occasionally, the MSHSL, the Section and Conference may require attendance at certain meetings for coaches/advisors depending on the level of the activity. For these required meetings, the district will either provide a means of transportation or will reimburse mileage to the coach/advisor. Each coach/advisor should consult with the A.D. in regards to the required meetings for the MSHSL sponsored activity and ensure that mileage reimbursement is built into the budget.

Keys/Fobs

Paid coaches/advisors will be issued keys and fobs for the areas which they need to access for practices and contests. These keys are not to be lent to other unauthorized staff and it is the coaches/advisors responsibility to ensure that areas are secured when the activity is finished. Keys and fobs for lower level coaches shall be turned in to the A.D. at the end of the activity season.

Building Security

Each district building utilizes a security system and coaches/advisors should become familiar with the operation of the system within a building they will be utilizing for practices or contests. Key fobs for the system will be issued to each paid position coach or advisor and shall not be lent to unauthorized users. It is the responsibility of the coach/advisor to ensure each room or locker room is locked and all participants have left or been picked up before they leave the premises. If the contest or practice is held outside the normal school day or when custodial staff is not present in the building, the head coach/advisor will ensure the building is locked down and secured.

Fitness Center Usage

Conditioning and strength are key components to successful performance. Supervision is a key factor in ensuring the safety of our students while in the fitness center. Coaches/Advisors shall not open the fitness center for students without supervision. The coach/advisor shall remain in the fitness center to ensure that the proper lifting techniques and the safety of each student is being upheld. Coaches/Advisors should make sure that the Fitness Center and locker room areas are vacated and secured at the completion of the workout session.

General Facility Usage

Coaches and advisors should work with the Community Education Assistant before each season to create a facility usage schedule. The scheduling of practice areas will require cooperation and collaboration by all facility area users to ensure maximum utilization of practice areas. Contests, whether middle school or upper level, will take precedence over

practices. All activities using the facility must be on the facilities calendar so the custodial staff will be aware of facility usage and double-booking does not occur.

Equipment Check and Inventory

Before each season, coaches/advisors will be responsible for an inventory and safety audit of their equipment and facilities and will inform the Activities Director of any deficiencies. It is the coaches/advisors responsibility to inspect the equipment and facilities to the best of his/her ability before the season in order to provide the safest possible experience for the participants. All equipment must be cleaned, repaired, and stored in the appropriate area at the completion of the season.

Coaches/Advisors Evaluations and End of Season Report

Upon completion of each season, the Activities Director will provide each head coach/advisor with final evaluation/end of season report paperwork that will need to be completed by the coach/advisor. Each head coach/advisor should then schedule a time with the Activities Director to complete a season and program evaluation. At this time, the Activities Director shall discuss the progress of both the coach and the program and evaluate the direction of the program for the future. Areas of needed remediation shall also be identified (if applicable). Head Coaches/Advisors are encouraged to have a discussion with each coach in their program as an evaluation of their performance for the season. The Head Coach should be able to also notify the Activities Director of any coaching vacancies that the program may face for the next school year/season. It is the responsibility of the head coach to keep and maintain all records, both team and individual and to submit a summary of the season including participants, won-loss record, award winners, and recommendations for the program to the AD. This should be completed no later than 3 weeks following the completion of the season.

Awards & Lettering Guidelines

A list of the activity awards are listed in the Activities Handbook. While an individual coach has discretion on the awards to be given, the Activities Department will only provide for three of those listed in the Activities Handbook. The purchase of any additional awards will be the responsibility of the individual program. All coaches/advisors are expected to follow the lettering guidelines as printed in the Activities Handbook. If lettering guidelines have changed, it is the responsibility of the head coach to inform the Activities Department of those changes so the handbook can be updated.

Activities Banquets

The head coach will make arrangements for their individual awards banquet. The AD's office should be informed of the date so that it can be placed on the school calendar. The expenses for the activity banquets are the responsibility of the program.

Conflict Resolution Protocol/Chain of Command

In order to respect the rights of all involved parties, a system has been implemented to deal with concerns that may arise during the season. This chain of command is important to ensure these concerns are dealt with in a timely and productive manner.

I have a conflict? How do I proceed?

Conflict is almost inevitable when working with passionate, highly focused and dedicated people. While good communications and clear guidelines will help limit conflict, there must be clear protocols in place to deal with conflict when it arises.

The following steps should be followed when a concern is voiced. Our goal should be to resolve conflict at the lowest intervention level possible, but do not hesitate to follow the entire process if necessary. It is always wise to keep the Activities Director aware of any conflicts that are being handled in your program, no matter what level the intervention is at currently. School District Policy 103 will be followed regarding complaints from students, employees, parents, or other persons.

Steps in Resolution of Conflict

Parents and coaches/advisors are strongly encouraged to maintain open lines of communication. A procedure has been developed for the purposes of establishing and maintaining the lines of communication between the school, parents/guardians and students, for the resolution of concerns related to the activities program.

The steps below are designed as protocol to follow until resolution is reached. If an issue rises to steps 3 or above, it is to be guided back to step 1. **Every effort should be made to resolve all issues at the lowest possible level. A majority of issues are solved at the first step if allowed to occur.**

Step 1 Coach/Advisor/Student: The student and the coach/advisor will meet to discuss the issue. This meeting should occur within five days of the incident. The goal of this meeting is to bring closure to the concern.

Step 2 Coach/Advisor/Student/Parent: The parent and student should schedule a meeting with the coach/advisor within five school days of incident or within five days of the initial meeting between the coach and student. Meeting time must be convenient to both parties. The meeting agenda is limited to the initial issue. Coaches/advisors may request administrative presence at the meeting, but the coach/advisor will run the session and provide a detailed summary for the Activities Director.

In order for the discussion between the parent and coach to be productive, the following times to approach a coach/advisor should be **avoided:**

- either prior to or immediately following a game (**24-hour cooling off period**)
- during a practice session
- during a time when other teammates are present
- a time when it is apparent there will not be sufficient time to allow for a complete discussion.

Step 3 Coach/Advisor/Student/Parent/AD: If no closure is attained at the meeting, the coach/advisor must create a written summary of the meeting within five school days for review by the Activities Director. If the parent requests a meeting with the Activities

Director, a **Step 3 Form** (that can be obtained in the Activities Office) must be completed by the person with the conflict and turned into the Activities Director. The Activities Director will set up a meeting with the coach/advisor, parent, and student (at the discretion of the Activities Director). After the meeting, the Activities Director will make a ruling on the issue and share the findings and solution strategy with the family, coach/advisor, and building principal.

Step 4 Parent/Principal: If the established ruling/strategy is still unacceptable to the family they may then meet with the building principal to discuss alternatives. The Activities Director, coach/advisor, and/or student will be present at the meeting with the parent and principal at the principal's discretion.

Other key points:

- Playing time and team selection are determined solely by the coaching staff. These discussions should be between the coach/advisor and the student. A parent may only be involved in these discussions if the student is present (should not exceed step two).
- Calls should be directed to school contact numbers only.
- Data privacy rules must be maintained; do not discuss other students.
- Failure to follow the process may impact the final ruling on the issue.
- If the parent refuses to involve the student in the process, the conflict resolution process is compromised.
- Respectful communication is expected between both parties; if at any time the meeting becomes confrontational, it will be terminated with a possible reschedule.

Guidelines for Playing Time

All playing/participation time is not a right but a privilege that is earned through sportsmanship, team play, mental discipline, regular attendance at practices, and hard work.

Varsity Sports/Activity Philosophy

Becker has chosen to compete at the interscholastic level rather than at the intramural level. With this in mind, winning is an important part of our program. We feel we can best challenge our athletes/activity participants to develop their abilities through this type of program. By no means is it a win at all costs philosophy but a strong effort to win the contest will be made by the players/participants and the coaches. For non-competitive activities or ones without an opponent or standards based judging, a strong effort to achieve maximum potential will be the focus.

At the **Varsity** level, the head coach shall determine the playing time of individual players. An effort will be made to win the contest and there is no guarantee of playing time.

At the **Junior Varsity** level, the coach shall determine the playing time of individual players. However, the emphasis on winning will be less than at the varsity level. At the Junior Varsity level, coaches shall try to develop players to enable them to be ready for varsity level competition.

At the **Sophomore** level, the coach shall determine the playing time of individual players. At this level, an emphasis will be placed equally upon winning and player development.

All playing time will not be equal, but all players will be given an opportunity to develop their skills through practices and contests.

At the **Freshman** level, the coach shall determine the playing time of individual players. Player development will be the main focus of this level, yet the goal of the contest will be to be competitive and win when possible while still allowing every participant the chance to compete. Extra time may be scheduled to allow the less skilled players the opportunity to compete.

Middle School Sports/Activity Philosophy

At these levels of competitions the emphasis is put on participation both during contests and during practices. Each participant will be given the opportunity to develop his/her skills. Contests will be scheduled to develop the students' abilities as well as to prepare them for competitive situations. Teams may be divided by skill level, and the coach will still determine playing time for individuals, but an emphasis will be placed on equal time for all. A goal is set to win the contest but not at the cost of not allowing a certain individual a chance to participate. Playing time will be as equal as possible in the Middle School levels, but will be based on other factors as the level of the sport/activity increases by grade level.

Limiting Squad Size

If an activity has a large number of participants, too large to safely and effectively conduct practices, the coach/advisor may limit the squad size. If this is deemed necessary, there will be an evaluation/tryout period for that activity as determined by the coach or advisor. If a student participant does not qualify for team membership following the evaluation/tryout period, the participant will be offered a full refund for the activity fee paid.

ACTIVITIES ACCELERATION POLICY

Participation by students on athletic teams representing the Becker Schools will normally be limited to those students representing the school that they attend for regular classes (i.e. Varsity teams should have only students from the High School). Such teams constitute an integral part of the educational programs and are primarily designed to serve the needs of only the students of that school.

This policy represents the basic guideline for athletic participation in Becker. However, on rare occasions, a middle school athlete may be so physically and emotionally mature, as well as athletically gifted, that consideration should be given to allowing that student to leave his/her middle school team and compete at the senior high level. Such a decision requires a thoughtful and critical look at the needs of the student and concern for his/her physical, mental, and emotional well being, and the best interests of the student's total development. In addition to the specific student concerns, the effect on the middle school and senior high school programs must be considered. At the middle school level, emphasis shall be placed on participation and skill development as compared to the philosophy of stronger competitiveness and playing to win at the senior high level. The welfare of the student must be the focus of all recommendations and decisions.

CONSIDERATIONS TO EXAMINE

- Physical abilities and emotional needs of the student(s).
- Effect on both middle school and high school programs.
- Academic performances of the student(s).
- Students, parents, coach, principal, and activities director are in agreement.

ACCELERATION PROTOCOL

1. The head varsity coach will initiate in writing the proposed acceleration to the high school activities director.
2. The varsity coach, middle school coach, middle school Principal, middle school guidance counselor, high school Principal, and activities director will review the proposed acceleration and come to a mutual agreement if the acceleration should take place.
3. If the recommendation is to further consider acceleration, the parents/guardians and the student will then be notified by the head varsity coach and asked to review the recommendation in a meeting with the coach and activities director both present.
4. Once the student has been accelerated, the student will have a two-week evaluation period. At the end of that time, a final decision on placement for the season shall be made.
5. Once the student has passed the two-week evaluation period, the student must remain at the level and may not return to a lower level for the remainder of the season. The athlete would not play at the lower level when the accelerated level of competition has been completed in the same season.

DEFINITIONS

- A. Grade levels 9, 10, 11, and 12 shall be considered as senior high programs.
- B. Grades 7 and 8 shall be considered the middle school program.

C. Individual or Team Programs:

Students in 7th and 9th grade are strongly encouraged to participate in programs available at their age level. While MSHSL rules state that all 7-12 students are eligible to participate in the 9-12 program, it is the general practice of School District #726 not to accelerate students from middle school programs to senior high school MSHSL team programs. However, when extenuating circumstances arise, any exceptions to this practice will be reviewed through the use of the Acceleration Protocol.

D. Combined Individual/Team Programs:

Some programs have combined middle and high school levels to ensure the opportunity for all students. In 7-12 combined programs, students are eligible to compete without use of the Acceleration Protocol.

All names of 7th and 8th grade students competing at a JV or Varsity level in combined programs shall be promptly forwarded to the Activities Office. This information will also be given to the middle school administration.

NOTE: 6th grade students are not eligible to participate in any 7-12 activity programs (as per MSHSL policy).

Title IX guidelines

Questions concerning Title IX should be directed to the Director of Human Resources. Because compliance is a top priority for our programs, it is asked that coaches/advisors communicate with the Director of Human Resources on any issues that could affect our district's commitments regarding Title IX.

Recruiting Policies

It is the goal of Becker schools to maximize participation in each of its activities. As part of this process, coaches and advisors are expected to recruit potential participants for their activity. In general, only those students not currently participating in a same season activity should be approached and/or asked to participate. A good rule of thumb is for all coaches and advisors to ask a student first if they currently participate in an activity during said season. If the student answers in the affirmative, wish the student luck in their activity. If not, then it is permissible and encouraged for coaches and advisors to invite the student to join their activity or learn more about the activities being offered during that time.

Academic Extracurricular Activities

Becker offers several academic extra-curricular activities and encourages students to be involved in these activities. Some examples of current offerings include Visual Arts, Drama (HS Musical, MS Musical, and One and Three Act plays), and Yearbook. Coaches of sports teams are encouraged to work with students who are involved in these academic extracurricular activities to accommodate schedules when possible. Advisors of these academic extra curricular activities are encouraged to work with the A.D. and communicate on a regular basis about said activity and provide suggestions or recommendations about the program and its needs.

Academic Lettering

There are opportunities for students to earn recognition for academic achievement. Such opportunities include: academic lettering, academic all state awards, and MSHSL Spotlight on Scholarship awards, and the Scholar Athlete Award. Each coach/advisor should work with the A.D. to ensure that academic excellence is honored by each sport/activity.

Suggested Topics for Parent meetings:

- Your Purpose Statement
- Contact information and best method/time to contact
- Practice schedules/calendar of events
- Eligibility/Registration paperwork
- Importance of Academic eligibility
- Lettering policy
- Conflict Resolution Policy- 24hr. "cooling off" period
- Team selection/evaluation process- Limiting Squad Size
- Playing time philosophy

Becker Public Schools

Independent School District #726

Becker, Minnesota

Community Education Non-certified Employees

Employee Handbook

2024 – 2025

Approved by the Board of Education:

This document is approved by the Board of Education of the Becker Public Schools, Independent School District #726, Becker, Minnesota and covers the following Becker Community Education non-certified employees:

- Camp Opportunity Program Leads and Classroom Assistants
- Community Education Program Employees
- Aquatics Staff
- Student employees

Duration: This handbook shall be in force beginning July 1, 2024 through June 30, 2025.

At Will Employees: Community Education employees are employed at will and may be terminated at any time, with or without cause.

HOURS OF SERVICE AND WORK YEAR

A normal work year for purposes of this handbook shall be established each year by the school district. Hours per day may vary by position and shall be established by the School District.

Employees working 8 or more hours per day shall be provided with a duty-free lunch period of 30 minutes.

Total hours worked in all positions covered in this document will be combined to determine an employee's benefits.

Step Placement and Advancement.

The School District shall determine the placement and advancement of an employee on the wage schedules. The district reserves the right to withhold a wage increase in individual cases when it can be shown that a deficiency exists in the individual's work performance.

Employees hired on or after January 1 will not receive a step advancement until July 1 of the following year (i.e., employees hired on or after January 1, 2024, shall receive a step advancement on July 1, 2025.)

Rates of Pay.

Rates of pay shall be determined by the wage schedules included in this Handbook. Payroll shall be administered on or about the 10th and the 25th of each month.

Overtime.

An employee will receive overtime pay at the rate of one and one half (1.5) times the employee's regular rate of pay for hours worked in excess of forty (40) during the regular workweek. No employee may work in excess of forty (40) hours during a regular workweek without prior approval from the Community Education Director or the Community Education Director's designee. Overtime hours are based on all hours worked in the District.

Recording Hours Worked.

The District may require employees to use a time clock or other method of recording hours worked. Employees shall be paid for all time worked.

INSURANCE

Section 1. Selection of Carrier. The selection of the insurance carrier and policy shall be made by the School District as provided by law.

Section 2. Eligibility. Employees must work a minimum of twenty (20) hours per week to be eligible for enrollment in the District's insurance plan. Employees must work a minimum of thirty (30) hours per week to be eligible for a District contribution. Employees working less than thirty (30) hours per week will be responsible for 100% of the monthly premium amount.

Section 3. Health and Hospitalization Insurance.

Subd. 1. Plan Selection: Eligible employees may elect single or family coverage in the District's health and hospitalization plan. Employees hired after July 1, 2024, shall not be eligible to enroll in the District's Copay Plan(s).

Subd. 2. Eligibility: Employees must work a minimum of 30 hours per week and twelve (12) months per year to be eligible for enrollment in the District's health and hospitalization plan.

Subd. 3. Premium Contributions: From July 1, 2024 through June 30, 2025, the District shall contribute up to seven hundred eight dollars and thirty-three cents (\$708.33) per month toward the cost of the premium for single or family coverage for each eligible employee that is enrolled in the group health and hospitalization plan. The employee shall pay any remaining premium costs by payroll deduction.

If an employee enrolls in a plan and receives District contributions, but does not fulfill the eligibility requirements listed above, that employee shall be responsible for reimbursing the District for any contributions that were made in excess of their eligibility.

Subd. 4. HSA Contributions: In addition, for the period of July 1, 2024 through June 30, 2025, the remaining contribution amount, if any, shall be paid by the School District into a Health Savings Account (HSA), in the employee's name, on a semi-monthly basis. The employee may choose to contribute to their HSA account through payroll deductions, up to the applicable IRS limits. This is applicable only to employees enrolled in a High Deductible Health Plan (HSA eligible plan).

Section 4. No Claims Against District. The District is not guaranteeing that any particular claim will be paid or covered by insurance, or that any specific amount will be paid out under any insurance policy. The District's only obligation is to pay the amounts stated. No grievance, claim, or cause of action may be brought against the District as the result of a denial of insurance benefits by the insurance carrier.

Section 5. Duration of Insurance Contribution. Upon termination of employment for any reason, the district's contribution ceases on the last day of the month in which the employee was in a paid working status.

PAID LEAVE

Section 1. Eligibility and Accruals.

Employees shall be granted paid leave in accordance with their employee type, and the accrual methods listed below.

Employees starting on or before December 31st shall be deemed to have met one year of service, as of July 1st of the following year.

Look-Back Method: When using the look-back method for determining average number of hours worked, the District shall use the average hours worked during the period of June 26th of the previous year through June 25th of the current year.

Section 2. Employee Types. The employee types listed below shall be used to determine paid leave eligibility for employees working under this agreement.

a. 12-Month Employees: Employees who are regularly scheduled to work an average of 30+ hours per week for 12-months per year.

b. Summer Employees:

- Employees who are regularly scheduled to work an average of 30+ hours per week during the summer months (June - August).
- Employees who work outside of Camp Opportunity during the school year and work 30+ hours in Camp Opportunity during the summer.

c. Part-Time & Seasonal Employees:

- Employees who are expected to work a minimum of 80 hours per year, and less than 30 hours per week, on a regular basis.
- Student Workers.

Section 3. Length of Paid Leave Day. An employee may only claim paid leave equal to their assigned work hours on a day of absence. An employee may not claim paid leave on a day when they are not scheduled to work.

Section 4. Tracking of Paid Leave Days. All tracking of paid leave earned by an employee will be calculated in hours and tracked by the supervisor and payroll department.

Section 5. Sick Leave.

Subd. 1. Eligibility: Employees that work a minimum of 80 hours per year shall be eligible for paid sick leave.

Subd. 2. Annual Earned Sick and Safe Time (ESST): Employees shall be eligible for sick and safe time in accordance with the table below.

Employee Type	Allocation Type	Annual Allocation	*Max Accrual
12-Month Employee (first year of service)	Accrual	1 hour earned for every 30 hours worked	80 hours
12-Month Employee (after 1 year of service)	Frontload (based on Look-Back Method)	12 days	12 days
Summer Employees	Accrual	1 hour earned for every 30 hours worked	80 hours
Seasonal / Part-Time Employees	Accrual	1 hour earned for every 30 hours worked	80 hours

*All hours that exceed the max accrual limit shall be transferred to the employee's extended sick leave on or around July of each year.

- a. **Usage:** An employee may use their earned sick and safe time for the following reasons:
 - I. Illness or injury to the employee that prevented the employee from attending work.
 - II. Illness or injury to the employee's spouse, adult child, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent for reasonable periods of time as the employee's attendance may be necessary, on the same term upon which the employee is able to use sick leave for their own illness or injury. In addition, the school district shall include any additional relatives named in Minnesota Statute 181.9413.
 - III. Reasons governed under the Earned Sick and Safe Time law, MN Statute 181.9447.
- b. **Approvals:** Sick and safe leave shall be approved only upon submission and review of a signed request form, to the employee's supervisor. Requests shall be made seven (7) days in advance, whenever possible. Approved sick leave shall be deducted from the employee's earned sick and safe time hours.
- c. **Medical Certification:** The District may require an employee to furnish a medical certificate from a qualified physician as evidence for absences related to illness or injury. However, the final determination as to the eligibility of an employee for sick and safe leave is reserved to the school district. In the event that a medical certificate is required, the employee will be advised.

Subd. 3. Extended Sick Leave: As of July 1, 2024, all previously accrued sick leave, which exceeds the accrual limit for ESST, shall be transferred into an Extended Sick Leave account for eligible employees. At the beginning of each school year thereafter, the District shall transfer any unused ESST, beyond the max accrual limit, into the employees Extended Sick Leave. The Extended Sick Leave may accumulate up to a maximum of one hundred twenty (120) days.

- a. **Usage:** An employee may use their Extended Sick Leave for the following reasons:
 - i. Illness or injury to the employee that prevented the employee from attending work.
 - ii. Illness or injury to the employee's spouse, adult child, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent for reasonable periods of time as the employee's attendance may be necessary, on the same term upon which the employee is able to use sick leave for their own illness or injury. In addition, the school district shall include any additional relatives named in Minnesota Statute 181.9413.

- b. **Approvals:** Extended sick leave shall be approved only upon submission and review of a signed request form, to the employee's supervisor. Requests shall be made seven (7) days in advance, whenever possible. Approved leave shall be deducted from the employee's extended sick leave hours.
- c. **Medical Certification:** The District may require an employee to furnish a medical certificate from a qualified physician as evidence of illness, indicating such absence was due to illness, in order to qualify for sick leave pay. However, the final determination as to the eligibility of an employee for sick leave is reserved to the school district. In the event that a medical certificate is required, the employee will be advised.

Subd. 4. Sick Leave Payout: Upon termination of employment for any reason, any accumulated sick leave shall be forfeited. The employee shall not be reimbursed for any unused accumulated sick leave.

Section 6. Vacation.

Subd. 1. Eligibility and Allocation.

- a. **12-Month Employees:** After completing one (1) year of service, 12-month employees shall be eligible for seven (7) days of paid vacation per year. Two (2) days of unused vacation may be carried over to the next fiscal year. Paid vacation shall be allocated each July.

Employees starting on or before December 31st shall be deemed to have met one year of service, as of July 1st of the following year.

- b. **Summer Employees:** Summer employees who work a minimum of five hundred forty hours (540) hours during the school year (August 26th - May 25th), in Camp Opportunity, shall be provided one (1) vacation day on or around July 1st following the school year. This day must be used by June 30th of the following calendar year, or will be forfeited.
- c. **Allocation:** Vacation shall be allocated each July, based on the average number of hours worked in the previous 12-month period, by using the look-back method. The look-back method will be based on the average number of hours worked from June 26th of the previous year, through June 25th of the current year.

Subd. 2. Approvals: All requests for paid vacation must be pre-approved by the respective program supervisor. Requests shall be made a minimum of seven (7) days prior to the requested dates. Requests for particular days may be denied due to staffing needs of Community Education programs.

Subd. 3. Vacation Payout. An employee shall be entitled to receive the prorated pay for unused vacation time provided the employee submits a written notice of resignation at least two (2) weeks in advance of the resignation date.

Section 7. Paid Holidays.

Subd. 1. Eligibility and Allocation.

- a. **12-Month Employees:** 12-month employees shall receive the following paid holidays, provided that they work, or use paid leave, on their normally scheduled day before and after the holiday.

Labor Day,	President's Day,
Thanksgiving Day,	Good Friday,
Christmas Eve Day,	Memorial Day,
Christmas Day,	Juneteenth
New Year's Day,	4th of July

***Look-Back Period:** The District shall use a look-back method to determine the number of hours an employee shall receive for holiday pay. The look-back period is time worked during the two full weeks prior to the holiday.*

- b. **Summer Employees:** After completing one (1) year of service, summer employees shall receive two (2) extra days of pay on or about the September 25th payroll. This will be in lieu of paid holidays.

***Look-Back Period:** When determining the number of hours to be paid, the District shall look at time worked from May 26th through August 25th, to determine the average hours per day. The employee shall receive two days of pay, at their average hours per day.*

Section 8. Bereavement Leave.

Each employee may be granted up to three (3) days of paid bereavement leave per occurrence, non-accumulative, in the case of the death of a spouse, child, parent, grandparent, grandchild, brother, sister, in-laws, aunt, uncle, niece, nephew. The Community Education Director may grant additional days of leave. All days off shall be deducted from the employee's accumulated sick leave.

An employee may only claim paid bereavement leave equal to their assigned work hours on the day of absence.

Section 9. Jury Duty.

Employees involuntarily called and selected for jury duty shall receive their regular compensation for their employment, less the amount received by them as jurors, exclusive of mileage. Employees must submit a time-off request, and provide the District with payment for their Jury Duty time, prior to receiving compensation from the District.

Section 10. School Closing.

In the event that school is closed for a full day, for any reason, all employees that were scheduled to work on that day will be paid for all hours they were scheduled to work, for the first occurrence of each school year.

Camp Opportunity

Wage increases will be effective July 1 of each year. Employees hired on or after January 1 will not receive a step advancement until July 1 of the following year (*i.e., employees hired on or after January 1, 2024, shall receive a step advancement on July 1, 2025*).

The District retains the right to place employees above the first step.

Camp Opportunity Program Leads:

Program Lead Staff:

- Minimum of 21 years old
- Experience working with school age children, preferred

Lead Wage Schedule

Step 1	\$16.75
Step 2	\$17.06
Step 3	\$17.33
Step 4	\$18.19
Step 5	\$18.47
Step 6	\$18.75
Step 7	\$19.03
Step 8	\$19.33

Camp Opp Program Assistants and High School Graduates:

Assistant Wage Schedule

Step 1	\$14.91
Step 2	\$15.18
Step 3	\$15.47

Longevity Pay

In addition to the wage rates shown above, employees with the following years of service, within Camp Opportunity, will receive the corresponding amount of longevity pay. Employees must work a minimum of 540 hours per year (average of 15 hours per week), to be counted as a year of service.

Beginning Year	Longevity Pay
10	\$0.30
12	\$0.30
For a total of	\$0.60

Becker Community Education Student Employees

Students who work a minimum of 80 hours per year will receive paid sick and safe time, on an accrual basis. They do not qualify for other benefits under this agreement.

Wage increases will be effective July 1 each year. Employees hired on or after *January 1* will not receive a step advancement until July 1 of the following year (*i.e., employees hired on or after January 1, 2024, shall receive a step advancement on July 1, 2025.*)

High School students who graduate in May, shall move laterally to the Assistant Wage Schedule upon graduation, and will not move up a Step on July 1.

Student Worker Wage Schedule

Step 1	\$10.11
Step 2	\$10.46
Step 3	\$10.75
After Step 3 Additional "merit" rate	

The "merit" rate will be \$0.25 higher than the Step 3 rate.

When a student employee turns 18 years of age, that employee will be paid according to the federal / state minimum wage law, or the student worker wage rate, whichever is higher.

Becker Community Education Aquatics

Aquatic employees who work a minimum of 80 hours per year will receive paid sick and safe time, on an accrual basis. They do not qualify for other benefits under this agreement.

Employees hired on or after January 1 will not receive a step advancement until July 1 of the following year (*i.e., employees hired on or after January 1, 2024, shall receive a step advancement on July 1, 2025*)

When a student employee turns 18 years of age, that employee will be paid according to the federal / state minimum wage law.

Water Safety Instructors

(Requires current American Red Cross WSI certificate)

Position	Hourly Rate
Pool Coordinator	\$21.01
Supervisor	\$18.39
WSI	\$16.80
Lifeguard	\$12.08
Aides	\$11.03

Miscellaneous

Sibling Care:

- Adult Worker: \$15.25
- Student Worker: Students shall be paid according to the Student Wage Schedule. If a student turns 18, but has not yet graduated High School, they shall be paid the adult minimum wage amount until they graduate.

Early Childhood Student Workers (e.g. Summer Camp Workers): Students shall be paid according to the Student Wage Schedule. If a student turns 18, but has not yet graduated High School, they shall be paid the adult minimum wage amount until they graduate.

Youth Sports Coordinator: \$17.86/hour

Field House Supervisor: \$17.86/hour

Substitutes: Employees subbing in a position that is covered by this agreement, shall be paid at Step 1 of the salary schedule in which they are working under.

Community Education Driver Education Classroom Instructors:

Will be paid under the current BEA Contract at the “extended time” teacher rate.

Community Education PAC Coordinator:

This position will be paid in alignment with Article XII, Section 6. Extra Compensation of the BEA Agreement for events not covered under Schedule C of the BEA Agreement.

2023-2024 Becker Public Schools Nutrition and Wellness Report

06.10.2024

—

Thank you for the opportunity to share what we've been doing in the Food Service Department. We know how important school breakfast and lunch is for children and we in the food service department strive to provide our students with a variety of healthful, appealing, and nourishing foods.

School Breakfast Program and National School Lunch Program

The state has completed a full year of MN Free School Meals for Kids. All children are eligible for a free breakfast and lunch each day. As shown in the table below, participation rates have increased significantly.

Student Participation Rates:

Lunch	2016-2019 Average (pre pandemic)	2021/2022 (free lunch for all Covid waiver)	2022/2023	2023/2024
Primary School	69%	88%	70%	85%
Intermediate School	69%	90%	77%	86%
Middle School	54%	74%	63%	78%
High School	53%	67%	69%	74%

Breakfast	2022-2023	2023-2024
Primary School	65%	92%
Intermediate School	52%	57%
Middle School	38%	44%
High School	48%	53%

Wellness Committee

- The committee has representation from all four school buildings and includes teaching staff, administration, nursing and food service.
- A donation from the Bounce Back Program helped support the committee and we were able to purchase prizes for a wellness bingo challenge.

Department Highlights

- Total Breakfast Meals Served: 263,092
- Total Lunch Meals Served: 350,584. *The next highest annual meal count I could find in my files was the 2012/2013 school year in which we served 337,877 lunches.*
- Total Ala Carte Sales: \$147,286.45
- MN grown or raised foods on the menu this year included: apples, pears, peppers, sweet corn, baby red potatoes, tomatoes, ground beef, wild rice, greens, onions, asparagus, beef hot dogs, cucumbers, refrigerator pickles, mushrooms and delicata squash.

2023-2024 Becker Public Schools Nutrition and Wellness Report

- MN Department of Agriculture FY23 Farm to School Grant recipient for \$17,000 and FY24 recipient for \$3,500.
- MN Department of Education equipment grant recipient for \$14,603 used to purchase a new convection oven at the High School.
- New serving lines and signage at all locations.
- All classes at the Primary School have a scheduled breakfast time in the cafeteria after the day begins. This reduces the need to ask families to provide snacks since they are now getting seat time for two school provided meals a day. A 27% increase in meal participation shows the success of this as well as positive feedback from teachers.
- Eliminated Student Meal Account debt utilizing Angel Fund donations and family payment plans.

A look at the 2024/2025 school year:

- Piloting preschool breakfast meals served over at the new early education building.
- Piloting a food recycling program at the Primary School.
- Increasing protein forward options offered at breakfast at all sites including homemade egg and sausage breakfast sandwiches.
- Families will be asked to apply for educational benefits (free and reduced meals) for the upcoming school year. At the point of sale, students are still coded based on their eligibility even though meals are free.
 - The application for educational benefits isn't available until after July 1st, 2024. School meal information will be shared with families at this point. Applications will be available and families encouraged to fill out during back to school days.
- Staffing shortages have been ongoing and currently the department has 5 open positions.



Respectfully Submitted,

Felicia Kittok, RDN
Becker Public Schools Food Service
Director
fkittok@isd726.org



Becker Administor Association (Principals and Assistant Principals)

2024-2025

	Salaries	sal inc %	TRA	FICA	Term Life Ins	LTD	Health Ins	Dental Ins	Phone Reim	TSA Match	Total District Cost	Cost Inc %	Cost Inc \$
2023-24	\$938,800		\$82,513	\$72,140	\$2,604	\$4,751	\$179,400	\$8,488	\$4,200	\$24,500	\$1,317,395		
2024-25	\$970,876	3.42%	\$85,319	\$74,593	\$2,604	\$4,968	\$190,200	\$8,488	\$4,200	\$25,200	\$1,366,448	3.72%	\$49,053

Child Care Coordinator

7/2/24

Year	Salary	Sal Inc %	Total Benefits	District Cost	Cost Inc %
2023-24	\$56,327		\$22,378	\$78,705	
2024-25	\$60,627	7.63%	\$23,051	\$83,678	6.32%
				Average	6.32%

RESOLUTION ACCEPTING DONATIONS

WHEREAS, Minnesota Statutes 123B.02, Subd. 6 provides: "The board may receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, or for the benefit of pupils thereof, including trusts created to provide pupils of the district with advanced education after completion of high school, in the advancement of education."; and

WHEREAS, Minnesota Statutes 465.03 provides: "Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full."; and

WHEREAS, every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full;

THEREFORE, BE IT RESOLVED, that the School Board of Becker, ISD 726, gratefully accepts the following donations as identified below:

DONOR	PROGRAM	AMOUNT
Becker Lions Club	Softball	\$5,000.00
Byers, Y	GSA	\$25.00
CentraCare Foundation	Better Together Event	\$11,252.90
Clear Lake Lions	Softball	\$10,000.00
Clear Lake Lions	Deca Club	\$2,000.00
Frerich, Justin & Ann	Marching Band	Honor Guard Equipment
Liberty Diversified Int'l	Intermediate Art Department	\$1,000.00
Sauer, Angie	Marching Band	\$200.00

The vote on adoption of the Resolution was as follows:

Aye: Troy Berning, Ryan Hubbard, Aaron Jurek, Connie Robinson, Corey Stanger, Pete Weismann

Nay: None

Absent:

Whereupon, said Resolution was declared duly adopted.

By: _____ Date: _____
Aaron Jurek, Chair

By: _____ Date: _____
Pete Weismann, Clerk

RESOLUTION ESTABLISHING DATES
FOR FILING AFFIDAVITS OF CANDIDACY

BE IT RESOLVED by the School Board of Independent School District No.726, State of Minnesota, as follows:

1. The period for filing affidavits of candidacy for the office of school board member of Independent School District No.726 shall begin on July 30, 2024 and shall close on August 13, 2024. An affidavit of candidacy must be filed in the office of the school district clerk and the \$2 filing fee paid prior to 5:00 o'clock p.m. on August 13, 2024.

2. The clerk is hereby authorized and directed to cause notice of said filing dates to be published in the official newspaper of the district, at least two (2) weeks prior to the first day to file affidavits of candidacy.

3. The clerk is hereby authorized and directed to cause notice of said filing dates to be posted at the administrative offices of the school district at least ten (10) days prior to the first day to file affidavits of candidacy.

4. The notice of said filing dates shall be in substantially the following form:

**NOTICE OF FILING DATES FOR ELECTION TO THE SCHOOL BOARD
INDEPENDENT SCHOOL DISTRICT NO.726
BECKER
STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the period for filing affidavits of candidacy for the office of school board member of Independent School District No.726 shall begin on July 30, 2024, and shall close at 5:00 o'clock p.m. on August 13, 2024. The general election shall be held on Tuesday, November 5, 2024. At that election, three members will be elected to the School Board for terms of four (4) years each.

Affidavits of Candidacy are available from the school district clerk, 12000 Hancock Street. The filing fee for this office is \$2. A candidate for this office must be an eligible voter, must be 21 years of age or more on assuming office, must have been a resident of the school district from which the candidate seeks election for thirty (30) days before the general election, and must have no other affidavit on file for any other office at the same primary or next ensuing general election.

The affidavits of candidacy must be filed in the office of the school district clerk and the filing fee paid prior to 5:00 o'clock p.m. on August 13, 2024.

Dated: July 8, 2024

BY ORDER OF THE SCHOOL BOARD
/s/ Pete Weismann, School District Clerk

Application for Cooperative Sponsorship

Deadline: Not later than 30 days prior to the first day of practice for that sport season.
 PLEASE SEE BYLAW 403.2 (A-C) and 403.4 (A-D) (amended May 15, 2017) FOR INFORMATION REGARDING REQUIRED DOCUMENTATION
 AND APPLICATION PROCEDURE

The governing boards of each participating school must jointly make application for cooperative sponsorship.

On behalf of the following schools, we hereby apply for cooperative sponsorship of GIANS ALPINE SKI
 beginning with the 20 24 - 20 25 school year. (activity) (boys' or girls') (Adapted-CI or PI)

List **ALL** schools included in the cooperative sponsorship. *Attach another form if necessary.*

	School	Enrollment (9-12)*	City	Administrative Region**	Competitive Section**
High School #1:	BECKER	886	BECKER	8AA	
High School #2:	ST. CLOUD CHRISTIAN		ST. CLOUD		
High School #3:					
High School #4:					

*Enrollment reported to the State of Minnesota on October 1 of the previous school year.

**Current (Number and Class)

- Do any of the above schools belong to a conference in this activity?
 Yes This application must include a review and comments from the conference(s) of which the schools are members.
 No
- Do any of the above schools currently have a cooperative agreement in this activity?
 Yes An application for dissolution must be submitted for the existing agreement.
 No
- Describe the conditions which have prompted your request to co-sponsor this activity. (See model resolution at [www.mshsl.org/About MSHSL/Membership Information: A History & Model Resolution for School Boards](http://www.mshsl.org/About%20MSHSL/Membership%20Information%20A%20History%20&%20Model%20Resolution%20for%20School%20Boards))

4. List the number of students, by grade level, who participated in this activity during the previous year. *If the school did not sponsor the program last year, indicate the number of students expected to participate in this cooperatively-sponsored activity this year if approved.*

	7th	8th	9th	10th	11th	12th
High School #1	1					
High School #2						
High School #3						
High School #4						

5. Team Identification: (Indicate how cooped schools should be identified in tournament programs): BEARCATS

6. Team Colors: _____ Team Mascot: _____

7. Host School (school that will receive revenue share check): ST. CLOUD TECH

Board of Education (or designee)	School	Date
Signed _____	_____	_____
Signed _____	_____	_____
Signed _____	_____	_____
Signed _____	_____	_____

Official Action of the MSHSL Board of Directors

Approved Not Approved

Signature: _____ Date: _____

Adopted: _____

MSBA/MASA Model Policy 102

Orig. 1995

Revised: _____

Rev. 2024~~3~~

102 EQUAL EDUCATIONAL OPPORTUNITY

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

I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide equal educational opportunity for all students. The school district does not ~~unlawfully~~ discriminate on the basis of one or more of the following: race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age. The school district also makes reasonable accommodation for students with disabilities.
- B. The school district prohibits harassment and discrimination of any individual based on any of the protected classifications listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (Policy 413).
- C. The school district prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the school district's corresponding procedures for addressing disability discrimination complaints, refer to the school district's policy on student disability nondiscrimination (Policy 521).
- D. The school district prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and school district's corresponding procedures and processes for addressing sexual harassment and discrimination, refer to the school district's policy on Title IX sex nondiscrimination (Policy 522).
- E. The school district shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the educational institution; whether the variety and selection of sports and levels of competition effectively accommodate the

demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

- F. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- G. Every school district employee shall be responsible for complying with this policy.
- H. Any student, parent, or guardian having a question regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the superintendent.

Legal References: Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)

Adopted: _____

MSBA/MASA Model Policy 413

Orig. 1995

Revised: _____

Rev. 2024~~3~~

413 HARASSMENT AND VIOLENCE

[NOTE: ~~State law (Minnesota Statutes, section 121A.03)~~ requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act, Minnesota Statutes, chapter 363A (MHRA). This policy complies with that statutory requirement and addresses the other classifications protected by the MHRA and/or federal law. While the recommendation is that school districts incorporate the other protected classifications, in addition to sex, religion, and race, into this policy, they are not specifically required to do so by Minnesota Statutes, section 121A.03. The Minnesota Department of Education (MDE) is required to maintain and make available a model sexual, religious, and racial harassment policy in accordance with Minnesota Statutes, section 121A.03. MDE's policy differs from that of MSBA and imposes greater requirements upon school districts than required by law. For that reason, MSBA recommends the adoption of its model policy by school districts. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The school district prohibits any form of harassment or violence on the basis of Protected Class.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school district personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's Protected Class.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's Protected Class, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel found to have violated this policy.

III. DEFINITIONS

- A. "Assault" is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;
 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 3. otherwise adversely affects an individual's employment or academic opportunities.

[NOTE: In 2023, the Minnesota legislature amended the definition of "sexual orientation" in the Minnesota Human Rights Act as reflected in subpart 6 below. A charter school board may choose whether to retain the phrase "including gender identity or expression" in light of the legislative amendment.]

- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. "Disability" means, with respect to an individual who
 - a. a physical sensory or mental impairment that materially limits one or more major life activities of such individual;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 2. "Familial status" means the condition of one or more minors ~~being domiciled with having legal status or custody with:~~
 - a. ~~their~~ minor's parent or parents or the minor's legal guardian or guardians; or
 - b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against harassment or discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

[NOTE: The 2024 Minnesota legislature revised the definition of "familial status"].

3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
6. "Sexual orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.

[NOTE: The 2023 Minnesota legislature redefined 'sexual orientation' in the Minnesota Human Rights Act.]

7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment; Definition

1. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
2. Sexual harassment may include, but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or

physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;

- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence; Definition

- 1. Sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statutes, section 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
- 2. Sexual violence may include, but is not limited to:
 - a. touching, patting, grabbing, or pinching another person's intimate parts
 - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to an individual's Protected Class.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. In the District. The school board hereby designates _____ as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.¹
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

¹ In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

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

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

V. INVESTIGATION

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other

school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.

- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

VI. SCHOOL DISTRICT ACTION

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VII. RETALIATION OR REPRISAL

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

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse

which may include filing charges with the Minnesota Department of Human Rights or another state or federal agency, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes, chapter 260E may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Adopted: _____

MSBA/MASA Model Policy 416

Orig. 1995

Revised: _____

Rev. 2024~~3~~ (Dec.)

416 DRUG, ALCOHOL, AND CANNABIS TESTING

[NOTE: Drug, alcohol, and cannabis testing of school bus drivers and **driver applicants is mandatory under federal law. The mandatory testing is described under Part III. of the policy. Drug and alcohol testing of other employees or drug and alcohol testing of school bus drivers beyond that mandated by federal law is optional and can be done under state law only if a policy containing provisions, such as the provisions of Part IV. of this policy, is adopted. Cannabis testing of school employees and school bus drivers shall conform to federal and Minnesota law. To preserve the right to request or require school district employees who are not bus drivers and applicants to undergo cannabis testing or drug and/or alcohol testing or to require bus drivers to submit to testing that is not federally mandated, a school district should adopt Part IV. as part of its drug and alcohol testing policy.]**

I. PURPOSE

- A. The school board recognizes the significant problems created by drug, alcohol, and cannabis use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The school board believes that a work environment free of drug, alcohol, and cannabis use will be not only safer, healthier, and more productive but also more conducive to effective learning. To provide such an environment, the purpose of this policy is to provide authority so that the school board may require all employees and/or job applicants to submit to drug, alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in federal law and Minnesota Statutes, sections 181.950-181.957.

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing and cannabis testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs that are not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is also

prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs that are not medically prescribed are prohibited from entering or remaining on school district property.

- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol or cannabis is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol or cannabis is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol or cannabis are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline that includes, but is not limited to, immediate suspension without pay and immediate discharge.
- F. The school district may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:
 - 1. if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;
 - 2. if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;
 - 3. as provided in the school district's written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by [Minnesota Statutes](#), section 181.952; or
 - 4. as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.

III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

A. General Statement of Policy

All persons subject to commercial driver's license requirements shall be tested for alcohol, cannabis (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

B. Definitions

- 1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of

the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.

2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. "Commercial Motor Vehicle" (CMV) includes a vehicle that is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means an employee authorized by the school district to take immediate action to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation process. The DER receives test results and other communications for the school district.
6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. "Direct Observation" means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.
8. "Driver" is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent, or occasional drivers, leased drivers, and independent owner-operator contractors.
9. "Evidential Breath Testing Device" (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
10. "Licensed Medical Practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
11. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district's drug testing program and for evaluating medical explanations for certain drug tests.
12. "Refusal to Submit" (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver's provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a

determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed by the school district or the collector; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

13. "Safety-Sensitive Functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work and all responsibility for performing work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
14. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
15. "Stand Down" means the practice of temporarily removing an employee from performing safety-sensitive functions based only upon a laboratory report to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test before the MRO completes the verification process.
16. "Substance Abuse Professional" (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

[NOTE: Federal regulations require that school districts provide materials to bus drivers explaining the school district's policies and procedures and the federal requirements with respect to the mandatory drug and alcohol testing of bus drivers. 49 Code of Federal Regulations, section 382.601. Most of the required information is contained within this model policy. Additional materials to be provided to employees are described in Paragraph 2. of Section C.]

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.

2. The school district shall provide to each driver information required under Title 49 of the Code of Federal Regulations, including information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem (the driver's or a coworker's); and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that the driver received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

[NOTE: The federal regulations require a school district to obtain a signed statement from each driver certifying that he or she received a copy of these materials. 49 Code of Federal Regulations, section 382.601(d). The original signed certificate must be maintained by the school district and a copy may be provided to the driver.]

D. Alcohol and Controlled Substances Testing Program Manager

[NOTE: School districts are required by federal regulations to designate a person to answer driver questions about the policy and the education materials described in Section C. above and to notify the drivers of the designation. 49 Code of Federal Regulations, section 382.601(b)(1).]

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.
2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

[NOTE: The specific prohibitions for drivers are contained, in large part, in 49 Code of Federal Regulations, sections 382.201-382.215.]

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.

3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district that prohibit possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

[NOTE: Consequences for drivers engaging in alcohol-related conduct are described in the federal regulations. 49 Code of Federal Regulations, section 382.505.]

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and the policies of the school district.

G. Prescription Drugs/Cannabinoid Products

A driver shall inform the driver's supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect

the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

H. Testing Requirements

[NOTE: School districts must utilize the U.S. DOT Drug & Alcohol Clearinghouse ("Clearinghouse") to conduct pre-employment queries, annual queries, and reports regarding CDL holders who operate CMVs on public roads (including school bus drivers) and who are covered by the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Program. In addition to utilizing the Clearinghouse, school districts must continue to comply with the alcohol and controlled substance testing required under Title 49 of the Federal Regulations.]

1. Pre-Employment Testing

[NOTE: 49 Code of Federal Regulations, section 382.301 details the requirements for pre-employment testing.]

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.

[NOTE: A school district is permitted, but not required, to conduct pre-employment testing for the use of alcohol. If a school district elects to require pre-employment testing for alcohol, it should include the bracketed text in Subparagraph a., above, and test all applicants uniformly.]

- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. To be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.

[NOTE: Federal regulations require school districts to inquire about, obtain, and review alcohol and controlled substances information from prior employers pursuant to a driver's written authorization, prior to the time a driver performs safety-sensitive functions, if feasible. 49 Code of Federal Regulations, section 382.413, and 49 Code of Federal Regulations, section 40.25. If not feasible, school districts must not permit the employee to perform safety-sensitive functions for more

than thirty (30) days from the date a safety-sensitive function was performed unless the school districts make good faith efforts to obtain the information and to make a record of those efforts to be retained in the driver's qualification file.]

- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse ("Clearinghouse") to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law. The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query (see Attachment C to this policy). The school district shall retain the consent for three (3) years from the date of the query.

2. Post-Accident Testing

[NOTE: 49 Code of Federal Regulations, section 382.303, governs post-accident testing of drivers.]

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours

following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.

- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

3. Random Testing

[NOTE: 49 Code of Federal Regulations, section 382.305 governs random testing of drivers.]

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.

[NOTE: The Federal Highway Administration (FHWA) set the random alcohol selection and testing rate at 10% of the average number of driver positions and evaluates this minimum percentage each year. School districts can elect to stay at the 1998 level of 25% (or a higher percentage) if they do not want to monitor the minimum annual percentage rate set by the FHWA. The random controlled substances selection and testing rate has remained at 50% each year and has not been lowered to 25% as is possible under the regulations.]

- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the selection period.
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

[NOTE: 49 Code of Federal Regulations, section 382.307 governs reasonable suspicion testing of drivers.]

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance

with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty, within four (4) hours before coming on duty, or just after the period of the work day. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.

- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

[NOTE: 49 Code of Federal Regulations, sections 382.309, 40.23(d), and 40.305 govern return-to-duty testing.]

- 5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.

[NOTE: 49 Code of Federal Regulations, sections 382.311, 40.307, and 40.309 govern follow-up testing.]

- 6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.
- 7. Refusal to Submit and Attendant Consequences

[NOTE: Consequences for refusals to submit to required drug and alcohol tests are addressed generally in 49 Code of Federal Regulations, sections 40.191, 40.261, and 382.211. They are more specifically

addressed in 49 Code of Federal Regulations, sections 382.501-382.507 and in 49 United States Code, section 521(b).]

- a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
- b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 United States Code, section 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
- c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.
- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment D to this policy.

I. Testing Procedures

1. Drug Testing

[NOTE: The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program. 49 Code of Federal Regulations, section 40.45.]

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.

- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.
- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
 - (1) The donor expressly declines the opportunity to discuss the test results;
 - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
 - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

[NOTE: The DOT Alcohol Testing Form (ATF) must be used for every

DOT alcohol test. 49 Code of Federal Regulations, section 40.225.]

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

- 1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver’s or driver applicant’s expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.

[NOTE: The limitation on discharge in Paragraph 2., below, is contained solely in Minnesota law. State law is preempted by federal laws and regulations as it relates to drivers of commercial motor vehicles (such as bus drivers). See Minnesota Statutes section 221.031, subdivision 10. Nevertheless, school districts may decide to comply with the state law requirements for various reasons (such as to treat all school district employees equally since employees subject to testing only under state law are accorded these additional rights). Consultation with the school district’s legal counsel is recommended.]

- 2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee’s own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
 - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test

after completion of the program.

- c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be [***name, address, telephone number***], which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minnesota Statutes, chapter 13. Any information concerning the individual’s test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

- 1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

[NOTE: The federal recordkeeping requirements for school districts are detailed in the federal regulations, 49 Code of Federal Regulations, sections 382.401 et seq. and 40.331. The DOT publishes a guide to the recordkeeping requirements of mandatory drug and alcohol testing for persons with a commercial driver’s license as part of its Alcohol & Drugs: DOT Compliance Manual.]

- 2. The required records shall be retained for the following minimum periods:

Basic records	5 years
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“Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
Alcohol and controlled substance collection procedures	2 years
Negative and cancelled controlled substance tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

“Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

3. Personal Information

Personal information about all individuals who undergo any required testing under this policy will be shared with the U.S. DOT Drug & Alcohol Clearinghouse ("Clearinghouse") as required under federal law, including:

- a. The name of the person tested;
- b. Any verified positive, adulterated, or substituted drug test result;
- c. Any alcohol confirmation test with a BAC concentration of 0.04 or higher;
- d. Any refusal to submit to any test required hereunder;
- e. Any report by a supervisor of actual knowledge of use as follows
 - i. Any on-duty alcohol use;
 - ii. Any pre-duty alcohol use;
 - iii. Any alcohol use following an accident; and
 - iv. Any controlled substance use.
- f. Any report from a substance abuse professional certifying successful completion of the return-to-work process;
- g. Any negative return-to-duty test; and
- h. Any employer's report of completion of follow-up testing.

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
 - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.

[NOTE: Subparagraphs b. and c., below, are based on the provisions of 49 Code of Federal Regulations, section 40.289.]

- b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.

[NOTE: School districts are not required to comply with state law governing drug and alcohol testing when the individuals are subject to the federal laws and regulations (i.e., bus drivers). If a school district, after consultation with legal counsel, chooses to comply voluntarily with these requirements, Subparagraph b., above, can be modified as follows:

b. The school district will offer a driver an opportunity to return to a DOT safety-sensitive duty following an employee's first positive test result on a confirmatory test if no reasons independent of the first test result for discharge exist. Otherwise, the school district may choose, but is not required, to provide an SAP evaluation or any subsequent recommended education or treatment.]

- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to cannabis testing or drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo cannabis testing or drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of

drivers will be conducted only in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other employees" covered by Section IV. of this policy.

[NOTE: When the testing of drivers complies with federal testing requirements and procedures, school districts clearly are exempt from the state drug and alcohol testing requirements in Minnesota Statutes, sections 181.950-181.957. See Minnesota Statutes, section 221.031, subdivision 10. When testing beyond the federally mandated requirements, however, school districts still must comply with state law.]

Q. Report to Clearinghouse

The school district shall promptly submit to the Clearinghouse any record generated of an individual who refuses to take an alcohol or controlled substance test required under Title 49, Code of Federal Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

R. Annual Clearinghouse Query

1. The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearinghouse but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver's Clearinghouse record contains no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulations. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations 382.701.
2. The school district may not access an individual's Clearinghouse record unless the school district (1) obtains the individual's prior written or electronic consent for access to the record; and (2) submits proof of the individual's consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain for three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.
3. The school district shall protect the individual's privacy and confidentiality of each Clearinghouse record it receives. The school district shall ensure that information contained in a Clearinghouse record is not divulged to a person or entity not directly involved in assessing and evaluating whether a prohibition

applies with respect to the individual to operate a CMV for the school district.

4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

IV. CANNABIS TESTING OR DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

The school district may request or require drug and alcohol testing or cannabis testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing or cannabis testing as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Section III. of this policy.) If a school bus driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Section IV. of this policy will be applicable to such testing.

A. Definitions

1. "Cannabis testing" means the analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis flower, as defined in Minnesota Statutes, section 342.01, subdivision 16, cannabis products, as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, hemp-derived consumer products as defined in section 342.01, subdivision 37, or cannabis metabolites in the sample tested. The definitions in this section apply to cannabis testing unless stated otherwise.
2. "Confirmatory test" and "confirmatory retest" mean a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
3. "Drug" means a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, and hemp-derived consumer products as defined in section 342.01, subdivision 37.
4. "Drug and Alcohol Testing," "Drug or Alcohol Testing," and "Drug or Alcohol Test" mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.
5. "Employee" means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer.
6. "Initial screening test" means a drug or alcohol test or cannabis test which uses a method of analysis under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.

7. "Job Applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III).

8. "Oral fluid test" means analysis of a saliva sample for the purpose of measuring the presence of the same substances as drug and alcohol testing and cannabis testing that:

a. can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1; and

b. does not require the services of a testing laboratory under section 181.953, subdivision 1.

[NOTE: The 2024 Minnesota legislature added oral fluid tests.]

9. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."

10. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.

11. "Random Selection Basis" means a mechanism for selection of employees that:

a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and

b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.

12. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

13. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

B. Circumstances Under Which Cannabis Testing or Drug or Alcohol Testing May Be Requested or Required; Exceptions

1. General Limitations

- a. The school district ~~may~~**will** not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing or cannabis testing, unless the testing is done pursuant to this policy; and **either (1)** is conducted by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1; **or (2) complies with the oral fluid test procedures under section 181.953, subdivision 5a.**

[NOTE: The 2024 Minnesota legislature amended this provision.]

- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing or cannabis testing on an arbitrary and capricious basis.

2. Cannabis Testing Exceptions

For the following positions, cannabis and its metabolites are considered a drug and subject to the drug and alcohol testing provisions in Minnesota Statutes, sections 181.950 to 181.957:

- a. a safety-sensitive position, as defined in Minnesota Statutes, section 181.950, subdivision 13;
- b. a position requiring face-to-face care, training, education, supervision, counseling, consultation, or medical assistance to children;
- c. a position requiring a commercial driver's license or requiring an employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing of a job applicant or an employee;
- d. a position of employment funded by a federal grant; or
- e. any other position for which state or federal law requires testing of a job applicant or an employee for cannabis.

3. Job Applicant Testing

The school district may request or require any job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer that is contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

- a. The school district must not request or require a job applicant to

undergo cannabis testing solely for the purpose of determining the presence or absence of cannabis as a condition of employment unless otherwise required by state or federal law.

- b. Unless otherwise required by state or federal law, the school district must not refuse to hire a job applicant solely because the job applicant submits to a cannabis test or a drug and alcohol test authorized by Minnesota law and the results of the test indicate the presence of cannabis.
- c. The school district must not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis.
- d. Cannabis testing authorized under paragraph (d) must comply with the safeguards for testing employees provided in Minnesota Statutes, sections 181.953 and 181.954.

4. Oral fluid testing

- a. When drug and alcohol testing or cannabis testing is otherwise authorized under Minnesota Statutes, section 181.951, the school district may request an employee or job applicant to undergo oral fluid testing according to the procedures under Minnesota Statutes, section 181.953, subdivision 5a as an alternative to using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1.
- b. The employee must be informed of the test result at the time of the oral fluid test. Within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive or invalid, the employee or job applicant may request drug or alcohol testing or cannabis testing at no cost to the employee or job applicant using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1, and according to the existing laboratory testing standards in subdivisions 1 to 5. The rights, notice, and limitations in Minnesota Statutes, section 181.953, subdivision 6, paragraph (b), and subdivisions 7 to 8 and 10 to 11 apply to an employee or job applicant and a laboratory test conducted pursuant to this paragraph.
- c. If the laboratory test under paragraph (b) above indicates a positive result, any subsequent confirmatory retest, if requested by the employee or job applicant, must be conducted following the retest procedures provided in Minnesota Statutes, section 181.953, subdivision 6, paragraph (c), and subdivision 9 at the employee's or job applicant's own expense.
- d. Nothing in this subdivision is intended to modify the existing requirements for drug and alcohol testing or cannabis testing in the workplace under Minnesota Statutes, sections 181.950 to 18.957, unless stated otherwise.

[NOTE: The 2024 Minnesota legislature enacted this provision.]

5. Random Testing

The school district may request or require “other employees” to undergo cannabis testing or drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

6. Reasonable Suspicion Testing

The school district may request or require any employee to undergo cannabis testing or drug and alcohol testing if the school district has a reasonable suspicion that the employee:

- a. is under the influence of cannabis, drugs, or alcohol;
- b. has violated the school district’s written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working or while the employee is on the school district’s premises or operating the school district’s vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minnesota Statutes, section 176.011, subdivision 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

7. Treatment Program Testing

The school district may request or require any employee to undergo cannabis testing and drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo cannabis testing and drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

8. Routine Physical Examination Testing

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks’ written notice that a drug or alcohol test may be requested or required as part of the physical examination.

C. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol testing.

D. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver's license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of Section IV.D.

2. Consequences of an Employee's Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver's license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant's Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial driver's license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing or requesting cannabis testing, the school district shall provide the employee or job applicant with a Pretest Notice in the form of Attachment D to this policy on which to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing or cannabis testing policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing or cannabis testing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test or cannabis test.

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information (see Attachment G to this policy).

- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry or of enrollment in a Tribal medical cannabis program as part of the employee's explanation.
- d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.
- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota Statutes, section 181.953, subdivision 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, alcohol, or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

- 6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform the individual of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments F and G to this policy provide the Notices described in Paragraphs

2. through 6. of this Section E.

F. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver's License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test or cannabis test requested by the school district, unless the following conditions have been met:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug, alcohol, or cannabis counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
 - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or

was impaired by medical cannabis on school district property during the hours of employment.

7. An employee must be given access to information in the individual's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

G. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver's License

If a job applicant has received a job offer made contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

H. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minnesota Statutes, chapter 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes, chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug, alcohol, and cannabis testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment H to this policy.

V. POSTING

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
Minn. Stat. § 176.011, subd. 16 (Definitions; Personal Injury)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 U.S.C. 31306a (National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators)
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Part 382 (Controlled Substances and Alcohol Use and Testing)

Cross-References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Adopted: _____

MSBA/MASA Model Policy 418

Orig. 1995

Revised: _____

Rev. 2024

418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

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

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances in any school location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the school district owns, leases, rents, contracts for, or controls.
- D. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code, section 812, including analogues and look-alike drugs.
- C. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation,

ingestion, or by any other immediate means.

- E. "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the Commissioner of the Minnesota Department of Health ("Commissioner").
- F. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- G. "School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- H. "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- I. "Toxic substances" includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner.
- I. "Use" means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person's own use, a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes, section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).
- C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.

D. The school district may not refuse to enroll or otherwise penalize a patient or person enrolled in the Minnesota Patient Registry Program as a pupil solely because the patient or person is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

[NOTE: The 2024 Minnesota legislature amended this law to add this protection.]

V. PROCEDURES

A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must comply with the school district's student medication policy.

[NOTE: School districts are required by Minnesota Statutes, section 121A.22 to develop procedures for the administration of drugs and medicine. If the school district does not have a student medication policy such as MSBA/MASA Model Policy 516, this Paragraph A. can be modified to provide: "Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must provide a copy of the prescription and the medication to the school nurse, principal, or other designated staff member. The school district's licensed school nurse, trained health clerk, principal, or teacher will administer the prescribed medication except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, in accordance with school district procedures."]

B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.

C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

[NOTE: The Drug-Free Workplace Act requires that school district employees be notified by a published statement of the prohibition of the use of controlled substances and actions that will be taken against employees for violations of such prohibition. 41 United States Code, section 8103; 34 Code of Federal Regulations Part 84. An acknowledgment will document satisfaction by the school district of this federal requirement.]

D. Employees are subject to the school district's drug and alcohol testing policies and procedures.

E. Members of the public are not permitted to possess controlled substances, intoxicating cannabinoids, or edible cannabinoid products in a school location except with the express permission of the superintendent.

F. No person is permitted to possess or use medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products on a school bus or van; or on the grounds

of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.

- G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes section 624.701, subdivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

VI. SCHOOL PROGRAMS

- A. Starting in the 2026-2027 school year, the school district must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:
 - 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
 - 2. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.
- B. School district efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.
- C. Notwithstanding any law to the contrary, the school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The district must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

VI. ENFORCEMENT

- A. Students
 - 1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.
 - 2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service. which may be provided by school based mental health services providers; and/or

referral to law enforcement officials when appropriate.

3. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.

B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

Legal References: Minn. Stat. § 120B.215 (Education on Cannabis Use and Substance Use)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.40-§ 121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.01, Subd. 15a (Definitions)
Minn. Stat. § 152.0264 (Cannabis Sale Crimes)
Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)
Minn. Stat. § 342.56 (Limitations)
Minn. Stat. § 609.684 (Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)

20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 516 (Student Medication)

Adopted: _____

MSBA/MASA Model Policy 419

Orig. 1995

Revised: _____

Rev. 2024~~3~~

419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

[NOTE: School districts are not required by statute to have a policy addressing these issues. However, Minnesota Statutes, section 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate. Additionally, Minnesota Statutes, section 120B.238 requires that vaping prevention instruction be provided as set forth in this policy.]

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

[NOTE: The following language is not required by law, but is recommended by MSBA for inclusion in this policy.]

- D. *The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.*

III. DEFINITIONS

- A. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- B. "Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. "Vaping" means using an activated electronic delivery device or heated tobacco product.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

C. An American Indian student or staff member may use tobacco, sage, sweetgrass, and cedar to conduct individual or group smudging in a public school. The process for conducting smudging is determined by the building or site administrator. Smudging must be conducted under the direct supervision of an appropriate staff member, as determined by the building or site administrator.

V. VAPING PREVENTION INSTRUCTION

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The school district may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school district's locally developed health standards.

[NOTE: In addition, school districts may choose to require (a) evidence-based vaping prevention instruction to students in grades 9 through 12; and/or (b) a peer-to-peer education program to provide vaping prevention instruction.]

VI. ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

VII. DISSEMINATION OF POLICY

- A. This policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and

employees.

Legal References: Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)
[Minn. Stat. § 121A.08 \(Smudging Permitted\)](#)
Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)
Minn. Stat. § 609.685 (Sale of Tobacco to Persons Under Age 21)
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)

Adopted: _____

MSBA/MASA Model Policy 503

Orig. 1995

Revised: _____

Rev. 2024

503 STUDENT ATTENDANCE

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

I. PURPOSE

- A. The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher, and administrators. This policy will assist students in attending class.

II. GENERAL STATEMENT OF POLICY

A. Responsibilities

1. Student's Responsibility

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

2. Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

3. Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

- a. It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's

responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance, and to prepare a list of the previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.

- b. In accordance with the Minnesota Compulsory Instruction Law, Minnesota Statutes, section 120A.22, the students of the school district are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Attendance Procedures

Attendance procedures shall be presented to the school board for review and approval. When approved by the school board, the attendance procedures will be included as an addendum to this policy.

1. Excused Absences

- a. A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse.

[NOTE: This paragraph quotes Minnesota Statutes, section 120A.22.]

- b. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school.

[NOTE: The school district may choose to include subparagraph (b).]

- c. The board of the district in which the child resides may approve the application under subparagraph (a) above upon a legitimate exception being demonstrated to the satisfaction of that board.

d. Legitimate Exceptions

The following reasons shall be sufficient to constitute excused absences:

- (1) that the child's physical or mental health is such as to prevent attendance at school or application to study for the period required, which includes:

- (a) child illness, medical, dental, or orthodontic treatment,

~~or a counseling appointments; including appointments conducted through telehealth;~~

~~(b) family emergencies;~~

~~(c) the death or serious illness or funeral of an immediate family member;~~

~~(d) active duty in any military branch of the United States;~~

~~(e) the child has a condition that requires ongoing treatment for a mental health diagnosis; or~~

~~(f) other exemptions included in this attendance policy.~~

~~(2) that the child has already completed state and district standards required for graduation from high school; or~~

~~(3) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, instruction conducted by a Tribal spiritual or cultural advisor, or a school for religious instruction conducted and maintained by a church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. A child may be absent from school on days that the child attends upon instruction according to this clause.~~

[NOTE: Subparagraph 3 above incorporates the 2024 amendment to Minnesota Statutes, section 120A.22, subdivision 12.]

~~(1) Illness.~~

~~(2) Serious illness in the student's immediate family.~~

~~(3) A death or funeral in the student's immediate family or of a close friend or relative.~~

~~(4)~~

~~(5) Court appearances occasioned by family or personal action.~~

~~(6) Religious instruction not to exceed three hours in any week.~~

~~(7) Physical emergency conditions such as fire, flood, storm, etc.~~

~~(8) Official school field trip or other school-sponsored outing.~~

~~(9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.~~

~~(10) Family emergencies.~~

~~(11) Active duty in any military branch of the United States.~~

~~(12) A student's condition that requires ongoing treatment for a mental health diagnosis.~~

[Note: In 2024, the Minnesota legislature amended Minnesota Statutes, section 120A.22, subdivision 12. The legitimate exceptions set forth above quote this statute. Minnesota law provides that a school board may include other exemptions in the school district's attendance policy. When considering whether to add other exemptions, school boards should consider the intent of the compulsory attendance law, which recognizes the educational value of regular attendance and class participation, and whether the proposed exemption is consistent with the intent of the law.]

c. Consequences of Excused Absences

- (1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher.
- (2) Work missed because of absence must be made up within ____ days from the date of the student's return to school. Any work not completed within this period shall result in "no credit" for the missed assignment. However, the building principal or the classroom teacher may extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.

2. Unexcused Absences

a. The following are examples of absences which will not be excused:

- (1) Truancy. An absence by a student which was not approved by the parent and/or the school district.
- (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
- (3) Work at home.
- (4) Work at a business, except under a school-sponsored work release program.
- (5) Vacations with family.
- (6) Personal trips to schools or colleges.
- (7) Absences resulting from cumulated unexcused tardies (____ tardies equal one unexcused absence).

- (8) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.
- (3) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.
- (4) Students with unexcused absences shall be subject to discipline in the following manner:
 - (a) From the first through the _____ cumulated unexcused absence in a [quarter or semester] the student will not be allowed to make up work missed due to such absence.
 - (b) After the _____ cumulated unexcused absence in a [quarter or semester], a student's parent or guardian will be notified by certified mail that his or her child is nearing a total of _____ unexcused absences and that, after the _____ unexcused absence, the student's grade shall be reduced by one increment for each unexcused absence thereafter.
 - (c) After such notification, the student or his or her parent or guardian may, within a reasonable time, request a conference with school officials regarding the student's absences and the prescribed discipline. The notification will state that the school strongly urges the student's parent or guardian to request such a conference.
 - (d) After _____ cumulative unexcused absences in a [quarter or semester] the teacher will reduce the student's letter grade by one increment for each unexcused absence thereafter (i.e. A to A-). However, prior to reducing the student's grade, an administrative conference must be held among the principal, student, and parent.
 - (e) After _____ cumulated unexcused absences in a [quarter or semester], the administration may impose the loss of academic credit in the class or classes from which the student has been absent. However, prior to loss of credit, an administrative conference must be held among the principal, student, and parent.

- (f) If the result of a grade reduction or loss of credit has the effect of an expulsion, the school district will follow the procedures set forth in the Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.

[NOTE: MSBA encourages school boards to consider whether imposition of academic penalties for unexcused absences is consistent with the district's mission and pedagogical approach. If a school board determines that academic penalties should not be imposed, section 2(b) should be deleted or rewritten.]

C. Tardiness

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.
2. Procedures for Reporting Tardiness
 - a. Students tardy at the start of school must report to the school office for an admission slip.
 - b. Tardiness between periods will be handled by the teacher.
3. Excused Tardiness

Valid excuses for tardiness are:

 - a. Illness.
 - b. Serious illness in the student's immediate family.
 - c. A death or funeral in the student's immediate family or of a close friend or relative.
 - d. Medical, dental, orthodontic, or mental health treatment.
 - e. Court appearances occasioned by family or personal action.
 - f. Physical emergency conditions such as fire, flood, storm, etc.
 - g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.
4. Unexcused Tardiness
 - a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.
 - b. Consequences of tardiness may include detention after ____ unexcused tardies. In addition, ____ unexcused tardies are equivalent to one unexcused absence.

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs

1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.
2. School-initiated absences will be accepted and participation permitted.
3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
4. If a student is suspended from any class, he or she may not participate in any activity or program that day.
5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

III. RELIGIOUS OBSERVANCE ACCOMMODATION

Reasonable efforts will be made by the school district to accommodate any student who wishes to be excused from a curricular activity for a religious observance. Requests for accommodations should be directed to the building principal.

IV. DISSEMINATION OF POLICY

- A. Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in each principal's office.
- B. The school district will provide annual notice to parents of the school district's policy relating to a student's absence from school for religious observance.

V. REQUIRED REPORTING

A. Continuing Truant

Minnesota Statutes, section 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minnesota Statutes, section 120A.22 and is absent from instruction in a school, as defined in Minnesota Statutes, section 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in middle school, junior high school, or high school.

B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minnesota Statutes, section 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;

2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minnesota Statutes, section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minnesota Statutes, section 120A.34;
4. That this notification serves as the notification required by Minnesota Statutes, section 120A.34;
5. That alternative educational programs and services may be available in the child's enrolling or resident district;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minnesota Statutes, chapter 260C;
8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minnesota Statutes, section 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

[NOTE: Where truancy services and programs under Minnesota Statutes, chapter 260A are available within the school district, the following provisions should also be included in the policy.]

C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.
2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minnesota Statutes, chapter 260A.

Legal References: Minn. Stat. § 120A.05 (Definitions)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 120A.26 (Enforcement and Prosecution)
Minn. Stat. § 120A.34 (Violations; Penalties)
Minn. Stat. § 120A.35 (Absence from School for Religious Observance)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 260A.02 (Definitions)
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing

Truant)

Minn. Stat. § 260C.007, subd. 19 (Habitual Truant Defined)

Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)

Goss v. Lopez, 419 U.S. 565 (1975)

Slocum v. Holton Bd. of Educ., 429 N.W.2d 607 (Mich. App. Ct. 1988)

Campbell v. Bd. of Educ. of New Milford, 475 A.2d 289 (Conn. 1984)

Hamer v. Bd. of Educ. of Twp. High Sch. Dist. No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)

Gutierrez v. Sch. Dist. R-1, 585 P.2d 935 (Co. Ct. App. 1978)

Knight v. Bd. of Educ., 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)

Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)

Adopted: _____

MSBA/MASA Model Policy 509

Orig. 1995

Revised: _____

Rev. 2024

509 ENROLLMENT OF NONRESIDENT STUDENTS

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

I. PURPOSE

The school district desires to participate in the Enrollment Options Program (Open Enrollment) established by Minnesota Statutes, section 124D.03. The purpose of this policy is to set forth the application and exclusion procedures used by the school district in making said determination.

II. GENERAL STATEMENT OF POLICY

The school board adopts specific standards for acceptance and rejection of Open Enrollment applications.

III. OPEN ENROLLMENT PROCESS

A. Open Enrollment applications will be approved provided that acceptance of the application will not exceed the capacity of a program, excluding special education services; class; grade level; or school building as established by school board resolution and provided that:

1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
2. in considering the capacity of a grade level, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of:
(a) one percent of the total enrollment at each grade level in the school district;
or (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with Minnesota Statutes, section 124D.03.
3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.

B. If the school district limits enrollment of nonresident students pursuant to this section, the district shall report to the Commissioner of the Minnesota Department of Education (MDE) by July 15 on the number of nonresident pupils denied admission due to the limitations on the enrollment of nonresident pupils.

C. The parent of a student with a disability not yet enrolled in kindergarten and not open enrolled in a nonresident district may elect, in the same manner as the parent of a resident student with a disability, a school in the nonresident district where the child is enrolled in a Head Start program or a licensed child care setting in the nonresident district, provided the child can be served in the same setting as other children in the nonresident district with the same level of disability.

Under this paragraph, parents must demonstrate enrollment in a community preschool or childcare setting.

[NOTE: MDE states: "There is no standard set for how parents must demonstrate enrollment in a community preschool or childcare setting. We recommend a written policy for this process." A district may choose to insert applicable local provisions here.]

D. A nonresident preschool aged child with a disability open enrolled in the district may be required to open enroll for kindergarten.

[NOTE: MDE offers the following recommendation: "the non-resident district may elect to allow the child's enrollment status to continue without completing another application. We recommend that districts create policies around this election which must be non-discriminatory and in writing." A district may choose to insert applicable local provisions here.]

IV. BASIS FOR DECISIONS

A. Standards that may be used for rejection of application

In addition to the provisions above, the school district may refuse to allow a pupil who is expelled under Minnesota Statutes, section 121A.45 to enroll during the term of the expulsion if the student was expelled for:

1. possessing a dangerous weapon, including a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than two and one-half inches in length, at school or a school function;
2. possessing or using an illegal drug at school or a school function;
3. selling or soliciting the sale of a controlled substance while at school or a school function; or
4. committing a third-degree assault involving assaulting another and inflicting substantial bodily harm.

BC. Standards that may not be used for rejection of application

The school district may not use the following standards in determining whether to accept or reject an application for open enrollment:

1. previous academic achievement of a student;
2. athletic or extracurricular ability of a student;
3. disabling conditions of a student;
4. a student's proficiency in the English language;
5. the student's district of residence except where the district of residence is directly included in an enrollment options strategy included in an approved achievement and integration program; or
6. previous disciplinary proceedings involving the student. This shall not preclude the school district from proceeding with exclusion as set out in this policy.

CD. Application

The student and parent or guardian must complete and submit the "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education (or the Statewide Enrollment Options Application for State-funded Voluntary Prekindergarten (VPK) ~~or School Readiness Plus (SRP)~~ Application if applicable) developed by MDE and available on its website.

The school district may require a nonresident student enrolled in a program under Minnesota Statutes, section 125A.13, or in a preschool program, except for a program under Minnesota Statutes, section 124D.151 ~~or Laws 2017, First Special Session chapter 5, article 8, section 9,~~ to follow the application procedures under this subdivision to enroll in kindergarten. A district must allow a nonresident student enrolled in a program under Minnesota Statutes, section 124D.151 or ~~Laws 2017, First Special Session chapter 5, article 8, section 9,~~ to remain enrolled in the district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under subdivision 12.

The school district shall notify the parent or guardian in writing by February 15 or within ninety (90) days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the nonresident district by March 1 or within ten (10) business days whether the pupil intends to enroll in the nonresident district.

DE. Lotteries

If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality (a statutory or home rule charter city or town) where:

1. the student's resident district does not operate a school building;
2. the municipality is located partially or fully within the boundaries of at least five school districts;
3. the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
4. no other nonresident, independent, special, or common school district operates a school building within the municipality.

The process for the school district lottery must be established by school board policy and posted on the school district's website.

EF. Exclusion

1. Administrator's initial determination. If a school district administrator knows or has reason to believe that an applicant has engaged in conduct that has subjected or could subject the applicant to expulsion or exclusion under law or school district policy, the administrator will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should

be initiated.

2. Superintendent's review. The superintendent may make further inquiries. If the superintendent determines that the applicant should be admitted, he or she will notify the applicant and the school board chair. If the superintendent determines that the applicant should be excluded, the superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the school district reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

EG. Termination of Enrollment

The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minnesota Statutes, section 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under Minnesota Statutes, chapter 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 17 years of age who is absent from attendance at school without lawful excuse for seven school days in a school year if the child is in elementary school or for one or more class periods on seven school days in a school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days in a school year and who has not lawfully withdrawn from school under Minnesota Statutes, section 120A.22, subdivision 8. The school district may also terminate the enrollment of a nonresident student over 17 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under Minnesota Statutes, section 120A.22, subdivision 8.

A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the school district will send to the student's parents a written notice of the school district's belief that the student is not a resident of the school district. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the superintendent's designee. The superintendent or the superintendent's designee will make the final determination as to the residency status of the student.

Notwithstanding the requirement that an application must be approved by the board of the nonresident district, a student who has been enrolled in a district, who is identified as homeless, and whose parent or legal guardian moves to another district, or who is placed in foster care in another school district, may continue to enroll in the nonresident district without the approval of the board of the nonresident district. The approval of the board of the student's resident district is not required.

Legal References: Minn. Stat. § 120A.22, Subd. 3(e) and Subd. 8 (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (School Board Approval to Enroll in Nonresident District; Exceptions)
[Minn. Stat. § 124D.151 \(Voluntary Prekindergarten Program\)](#)
Minn. Stat. § 124D.68 (Graduation Incentives Program)

[Minn. Stat. § 125A.13 \(School of Parents' Choice\)](#)

Minn. Stat. Ch. 260A (Truancy)

Minn. Stat. § 260C.007, Subd. 19 (Definitions)

Minn. Op. Atty. Gen. 169-f (Aug. 13, 1986)

Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ., Co. No. A05-361, 2005

WL 3111963 (Minn. Ct. App. 2005) (unpublished)

18 U.S.C. 930, para. (g)(2) (Definition of weapon)

Cross References:

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 517 (Student Recruiting)

Adopted: _____

MSBA/MASA Model Policy 512

Orig. 1995

Revised: _____

Rev. 2024

512 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

- A. The school district may exercise editorial control over the style and content of student expression in school-sponsored publications and activities.
- B. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school district policy. Faculty advisors shall supervise student writers to ensure compliance with the law and school district policies.
- C. Students who believe their right to free expression has been unreasonably restricted in ~~an official student school-sponsored media publication~~ or activity may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.
 1. Students producing ~~official schoolschool-sponsored media publications~~ and activities shall be under the supervision of a faculty advisor and the school principal. ~~School-sponsored media Official publications~~ and activities shall be subject to the guidelines set forth below.
 2. ~~Official school publications~~School-sponsored media may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, ~~posting,~~ or displaying material, or placing materials in internal staff or student mailboxes.

~~B. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.~~

B. "Material and substantial disruption" of a normal school activity means:

1. Where the normal school activity is an educational program of the school district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

C. "Minor" means any person under the age of eighteen (18).

D. "Obscene to minors" means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

~~E. "Official school publications" means school newspapers, yearbooks, or material produced in communications, journalism, or other writing classes as a part of the curriculum.~~

E. "School activities" means any activity of students sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.

F. "School-sponsored media" means material that is:

1. prepared, wholly or substantially written, published, broadcast, or otherwise disseminated by a student journalist enrolled in the school district;
2. distributed or generally made available to students in the school; and
3. prepared by a student journalist under the supervision of a student media adviser.

School-sponsored media does not include material prepared solely for distribution or transmission in the classroom in which the material is produced, or a yearbook.

G. "Student journalist" means a school district student in grades 6 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares information for dissemination in school-sponsored media.

H. "Student media adviser" means a qualified teacher, as defined in Minnesota Statutes, section 122A.16, that the school district employs, appoints, or designates to supervise student journalists or provide instruction relating to school-sponsored media.

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

IV. GUIDELINES

A. Except as provided in paragraph B below, a student journalist has the right to exercise freedom of speech and freedom of the press in school-sponsored media regardless of whether the school-sponsored media receives financial support from the school or district, uses school equipment or facilities in its production, or is produced as part of a class or course in which the student journalist is enrolled. Freedom of speech includes freedom to express political viewpoints. Consistent with paragraph B below, a student journalist has the right to determine the news, opinion, feature, and advertising content of school-sponsored media. The school district must not discipline a student journalist for exercising rights or freedoms under this paragraph or the First Amendment of the United States Constitution.

B. Student expression in an official school publication, school-sponsored media, a yearbook, or school-sponsored activity is prohibited when the material:

1. is obscene to minors;
2. is libelous or slanderous;
2. is defamatory;
3. is profane, harassing, threatening, or intimidating;
4. constitutes an unwarranted invasion of privacy;
5. violates federal or state law;
6. causes a material and substantial disruption of school activities;
7. is directed to inciting or producing imminent lawless action on school premises or the violation of lawful school policies or rules, including a policy adopted in accordance with Minnesota Statutes, section 121A.03 or 121A.031;
8. advertises or promotes any product or service not permitted for minors by law;
4. encourages students to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
9. expresses or advocates sexual, racial, or religious harassment or violence or prejudice; or
10. is distributed or displayed in violation of time, place, and manner regulations.

C. The school district must not retaliate or take adverse employment action against a student media adviser for supporting a student journalist exercising rights or freedoms under paragraph A above or the First Amendment of the United States Constitution.

D. Notwithstanding the rights or freedoms of this Article or the First Amendment of the United States Constitution, nothing in this Article inhibits a student media adviser from teaching professional standards of English and journalism to student journalists.

~~Expression in an official school publication or school-sponsored activity is subject to editorial control by the school district over the style and content so long as the school district's actions are reasonably related to legitimate pedagogical concerns.~~ These professional standards may include, but are not limited to, the following:

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

E. Time, Place, and Manner of Distribution

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

1. Time

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

2. Place

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

3. Manner

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

V. POSTING

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

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

Legal References: U. S. Const., amend. I
Morse v. Frederick, 551 U.S. 393 (2007)
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
Bystrom v. Fridley High School, I.S.D. No. 14, 822 F. 2d 747 (8th Cir. 1987)
[Minn. Stat. § 121A.03 \(Model Policy\)](#)
[Minn. Stat. § 121A.031 \(School Student Bullying Policy\)](#)
[Minn. Stat. § 121A.80 \(Student Journalism; Student Expression\)](#)

Cross References: MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

Adopted: _____

MSBA/MASA Model Policy 514

Orig. 2003

Revised: _____

Rev. 2024~~3~~

514 BULLYING PROHIBITION POLICY

[Note: School districts are required by statute to have a policy addressing bullying.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:
 - 1. on the school premises, at the school functions or activities, on the school transportation;
 - 2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
 - 3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.
- C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. This policy also

applies to sexual exploitation.

- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.

- E. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may take into account the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

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

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

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

- J. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher,

administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

III. DEFINITIONS

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

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

The term "bullying" specifically includes cyberbullying, malicious and sadistic conduct, and sexual exploitation.

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

- F. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- G. "Prohibited conduct" means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct.
- H. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- I. "Student" means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE

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

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

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other

knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.

- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

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

alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.

- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

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

VII. TRAINING AND EDUCATION

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

4. The incidence and nature of cyberbullying; and
 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

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

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

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

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. ~~This policy~~Article II, paragraph D, regarding malicious and sadistic conduct must be conspicuously posted throughout each school building.
- C. ~~This policy shall be conspicuously posted~~ in the administrative offices of the school and school district in summary form.
- D. This policy must be distributed to each school district or school employee and independent contractor, if the contractor regularly interacts with students, at the time of employment with the district or the school.
- E. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- F. This policy shall be available to all parents and other school community members in an electronic format in the languages appearing on the school district's or a school's website, consistent with the district policies and practices.
- G. ~~Each school must develop a process for discussing this policy with students, parents of students, independent contractors, and school employees.~~
- H. The school district shall provide an electronic copy of its most recently amended policy to the Minnesota Commissioner of Education.

IX. POLICY REVIEW

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minnesota Statutes, sections 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
~~Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)~~
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
~~Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)~~
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. Ch. 124E (Charter Schools)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 423 (Employee-Student Relationships)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Adopted: _____

MSBA/MASA Model Policy 516

Orig. 1995

Revised: _____

Rev. 2024~~2~~

516 STUDENT MEDICATION AND TELEHEALTH

[NOTE: The necessary provisions for complying with Minnesota Statutes, sections 121A.22, Administration of Drugs and Medicine, 121A.221, Possession and Use of Asthma Inhalers by Asthmatic Students, and 121A.222, Possession and Use of Nonprescription Pain Relievers by Secondary Students are included in this policy. The statutes do not regulate administration of drugs and medicine for students aged 18 and over or other nonprescription medications. Please note that section 121A.22 does not require school districts to apply the administration of medication rule to drugs or medicine used off school grounds, drugs or medicines used in connection with athletics or extra-curricular activities, and drugs and medicines that are used in connection with activities that occur before or after the regular school day.]

I. PURPOSE

The purpose of this policy is to set forth the provisions that must be followed when administering nonemergency prescription medication to students at school.

II. GENERAL STATEMENT OF POLICY

The school district acknowledges that some students may require prescribed drugs or medication or telehealth during the school day. The school district's licensed school nurse, trained health clerk, principal, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and school district procedures.

III. DRUG AND MEDICATION REQUIREMENTS

[NOTE: The June 2024 Model Policy 516 revisions include insertion of headings and rearrangement of paragraphs so that similar content is grouped together. School boards can choose whether to make these revisions.]

A. Administration of Drugs and Medicine

1. The administration of ~~prescription~~ medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the school district may rely on an oral request until a written request is received.
2. Drugs and medicine subject to Minnesota Statutes, 121A.22 must be administered, to the extent possible, according to school board procedures that must be developed in consultation with:
 - a. with a licensed nurse, in a district that employs a licensed nurse under Minnesota Statutes, section 148.171;
 - b. with a licensed school nurse, in a district that employs a licensed school nurse licensed under Minnesota Rules, part 8710.6100;
 - c. with a public or private health-related organization, in a district that contracts with a public or private health or health-related organization,

according to Minnesota Statutes, 121A.21; or

- d. with the appropriate party, in a district that has an arrangement approved by the Commissioner of the Minnesota Department of Education, according to Minnesota Statutes, 121A.21.

[NOTE: Paragraph III.A.2 had appeared in a different spot in previous versions of this model policy. In June 2024, the paragraph is located here and is updated to reflect 2024 legislative changes.]

3. Exclusions

[Note: The provisions of III.A.3 are optional. The school board may choose to include or exclude any of the provisions specified. These exclusions appeared in previous versions of this model policy.]

The provisions on administration of drugs and medicine above do not apply to drugs or medicine that are:

- a. purchased without a prescription;
- b. used by a pupil who is 18 years old or older;
- c. used in connection with services for which a minor may give effective consent;
- d. used in situations in which, in the judgment of the school personnel, including a licensed nurse, who are present or available, the risk to the pupil's life or health is of such a nature that drugs or medicine should be given without delay;
- e. used off the school grounds;
- f. used in connection with athletics or extracurricular activities;
- g. used in connection with activities that occur before or after the regular school day;
- h. provided or administered by a public health agency to prevent or control an illness or a disease outbreak as provided under Minnesota law;
- i. prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
- a. the school district has received a written authorization each school year from the pupil's parent permitting the student to self-administer the medication;
- b. the inhaler is properly labeled for that student; and
- c. the parent has not requested school personnel to administer the medication to the student.

In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from

the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the school district employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers.

j. epinephrine auto-injectors, consistent with Minnesota Statutes, section 121A.2205, if the parent and prescribing medical professional annually inform the pupil's school in writing that

a. the pupil may possess the epinephrine or

b. the pupil is unable to possess the epinephrine and requires immediate access to epinephrine auto-injectors that the parent provides properly labeled to the school for the pupil as needed.

k. For the purposes of Minnesota Statutes, 121A.22, special health treatments and health functions, such as catheterization, tracheostomy suctioning, and gastrostomy feedings, do not constitute administration of drugs or medicine.

l. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy.

B. Prescription Medication

1. An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minnesota Statutes, section 152.22, subdivision 6.

2. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law and must be administered in a manner consistent with the instructions on the label.

3. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.

4. Prescription medications are not to be carried by the student, but will be left with the appropriate school district personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Paragraph III.A.3(i) above ~~Part J.5. below~~), and medications administered as noted in a written agreement between the school district and the parent or as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan).

5. The school must be notified immediately by the parent or student 18 years old or older in writing of any change in the student's prescription medication administration. A new medical authorization or container label with new

pharmacy instructions shall be required immediately as well.

6. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.
7. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.

~~Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school district under Minnesota Statutes section 121A.21). The school district administration shall submit these procedures and any additional guidelines and procedures necessary to implement this policy to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.~~

[NOTE: This paragraph is moved to Paragraph III.A.3 above, where it is updated to reflect 2024 legislative changes.]

8. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.

[NOTE: Starting in June 2024, the exceptions appear under Article III.A.3 above.]

1. ~~Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;~~
2. ~~Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;~~
3. ~~Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;~~
4. ~~Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;~~
5. ~~Drugs or medicines that are~~
6. ~~Medications:~~
 - a. ~~that are used off school grounds;~~

- ~~b. that are used in connection with athletics or extracurricular activities;
or~~
- ~~c. that are used in connection with activities that occur before or after the regular school day are not governed by this policy.~~

C. Nonprescription Medication

A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.

[NOTE: School districts should consult with licensed medical and nursing personnel to address whether nonprescription medications will be allowed at elementary schools and whether and under what conditions school personnel will participate in storing or administering nonprescription medications.]

D. Possession and Use of Epinephrine Auto-Injectors

At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine auto-injectors that enables the student to:

1. possess epinephrine auto-injectors; or
2. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors in close proximity to the student at all times during the instructional day.

For the purposes of this policy, "instructional day" is defined as eight hours for each student contact day.

[NOTE: Minnesota law states that "the school board of the school district must define instructional day for the purposes of Minnesota Statutes, 121A.2205." A sample definition appears above. School districts can create a definition that fits their circumstances.]

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine auto-injectors when required, consistent with state law. This health plan may be included in a student's Section 504 plan.

Districts and schools may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel, including a licensed nurse, to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for

an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with Minnesota Statutes, section 121A.2207 is not the practice of medicine.

Effective July 1, 2024, registered nurses may administer epinephrine auto-injectors in a school setting according to a condition-specific protocol as authorized under Minnesota Statutes, section 148.235, subdivision 8. Notwithstanding any limitation in Minnesota Statutes, sections 148.171 to 148.285, licensed practical nurses may administer epinephrine auto-injectors in a school setting according to a condition-specific protocol that does not reference a specific patient and that specifies the circumstances under which the epinephrine auto-injector is to be administered, when caring for a patient whose condition falls within the protocol.

[NOTE: The paragraph above was signed into law in May 2024. It is new model policy language.]

A district or school may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

E. Sunscreen

A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.

~~L. "Parent" for students 18 years old or older is the student.~~

F. Procedure regarding unclaimed drugs or medications.

1. The school district has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the school district shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually, but may occur more frequently at the discretion of the school district.
2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes, section 152.01, subdivision 4, or is an over-the-counter medication, the school district will either designate an individual who shall be responsible for transporting the drug or medication to a designated drop-off box or collection site or request that a law enforcement agency transport the drug or medication to a drop-off box or collection site on behalf of the school district.
3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, the school district or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The school district must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

IV. ACCESS TO SPACE FOR MENTAL HEALTH CARE THROUGH TELEHEALTH

- A. Beginning October 1, 2024, to the extent space is available, the school district must provide an enrolled secondary school student with access during regular school hours, and to the extent staff is available, before or after the school day on days when students receive instruction at school, to space at the school site that a student may use to receive mental health care through telehealth from a student's licensed mental health provider. A secondary school must develop a plan with procedures to receive requests for access to the space.
- B. The space must provide a student privacy to receive mental health care.
- C. A student may use a school-issued device to receive mental health care through telehealth if such use is consistent with the district or school policy governing acceptable use of the school-issued device.
- D. A school may require a student requesting access to space under this section to submit to the school a signed and dated consent from the student's parent or guardian, or from the student if the student is age 16 or older, authorizing the student's licensed mental health provider to release information from the student's health record that is requested by the school to confirm the student is currently receiving mental health care from the provider. Such a consent is valid for the school year in which it is submitted.

[NOTE: The Minnesota legislature enacted Article IV in the spring 2024.]

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.21 (School Health ServicesHiring of Health Personnel)
Minn. Stat. § 121A.216 (Access to Space for Mental Health Care through Telehealth)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Auto-Injectors; Model Policy)
Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Auto-Injectors)
Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)
Minn. Stat. § 148.171 (Definitions; Title)
Minn. Stat. § 151.212 (Label of Prescription Drug Containers)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Definitions)
Minn. Stat. § 152.23 (Limitations)
Minn. Rule 8710.6100 (School Nurse)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

Cross References: MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Adopted: _____

MSBA/MASA Model Policy 521

Orig. 1995

Revised: _____

Rev. 2024~~2~~

521 STUDENT DISABILITY NONDISCRIMINATION

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

I. PURPOSE

The purpose of this policy is to protect students with disabilities from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973 (Section 504), need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

II. GENERAL STATEMENT OF POLICY

- A. Students with disabilities who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. The responsibility of the school district is to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - 1. has a physical or mental impairment that substantially limits one or more of such person's major life activities; or
 - 2. has a record of such an impairment; ~~or~~
 - 3. is regarded as having such an impairment; ~~or~~ or
 - 4. has an impairment that is episodic or in remission and would materially limit a major life activity when active.

[NOTE: The 2024 Minnesota legislature revised the definition of 'disability' in Minnesota Statutes, section 363A.03, subdivision 12]

- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATOR

Persons who have questions or comments should contact _____ (title, name, office address, and telephone number). This person is the school district's Americans with Disabilities Act/Section 504 coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

Legal References: [Minn. Stat. § 363A.03, Subd. 12 \(Definitions\)](#)

42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

Adopted: _____

MSBA/MASA Model Policy 532

Orig. 2003

Revised: _____

Rev. 2024~~3~~

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

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

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. "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.
- B. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- C. "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.

D. "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury.

[NOTE: This definition is added to provide clarity for discussion of physical holds later in this policy and in light of recent Minnesota legislative action.]

~~D. "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.~~

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. "School Resource Officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

[NOTE: The 2024 Minnesota legislature enacted this definition of "school resource officer." MSBA deleted the definition of "police liaison officer" as part of this change. School districts should use the term that reflects their local circumstances.]

G. "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).

H. 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~~ school resource officer or a peace officer.

B. Removal By ~~Police Liaison~~ School Resource 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 school resource](#) 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.

[NOTE: If the school district uses a different reference name for its student records policy, insert that name in place of the reference to Protection and Privacy of Pupil Records, which is the title of MSBA/MASA Model Policy 515.]

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

1. In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the [police liaison school resource](#) 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
2. In removing a student with an IEP from school grounds, [police liaison school resource](#) officers and school district personnel are further prohibited from engaging in the following conduct:
 - a. Corporal punishment prohibited by Minnesota Statutes, section 121A.58;
 - b.. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
 - c. Totally or partially restricting a child's senses as punishment;
 - d. 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;

- e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes, Chapter 260E;
 - f. Physical holding (as defined above and 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;
 - g. Withholding regularly scheduled meals or water; and/or
 - h. Denying a child access to toilet facilities.
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

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, subdivision 5, and otherwise comply with the requirements of section 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 (Removal by Police Officer)
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)
[Minn. Stat. § 626.8482 \(School Resource Officers; Duties; Training; Model Policy\)](#)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act)
34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment [and Prone Restraint](#))
[MSBA/MASA Model Policy 507.5 \(School Resource Officers\)](#)
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 January 5, 2009

Revised September 10, 2012

560 USE OF MULTIMEDIA IN THE CLASSROOM

I. PURPOSE

Multimedia is an essential resource in classrooms, and its use can enrich lessons and deliver content in unique and meaningful ways. Due to the wide range of multimedia materials available, the following recommendations should be used to guide the use of multimedia in the classroom. Multimedia includes, but is not limited to: videos, television programming, digital media, audio recordings, posters and works of art.

- A. The use of multimedia in the classroom will be for educational purposes, and materials used in the classroom should significantly contribute to the attainment of the educational objectives of the course, lesson or activity.
- B. In order to ensure the best use of limited instructional time, teachers will consider an appropriate balance between the instructional time given to the use of multimedia and other meaningful instructional strategies.
- C. The use of multimedia for purposes other than direct instruction must be pre-approved by the building principal.

II. GENERAL STATEMENT OF POLICY

Teachers will exercise sound professional judgment regarding age-appropriateness of multimedia to be used in the classroom. Multimedia that is sourced from the internet or other digital provider will be previewed by the teacher prior to utilizing in the classroom. Artistic merit and historical context will also be criteria to be considered when choosing multimedia to meet course objectives. In the case of theater-released movies which carry a Motion Picture of America Association rating, additional discretion will apply.

- A. Grades K-5
 - 1. Movies rated G may be shown.
 - 2. Movies rated PG must be pre-approved by the building principal and parental permission will be sought.
 - 3. Parents may contact the teacher and request that their child opt out of the movie. In that case, an alternative movie or assignment meeting the same

educational objective will be provided.

B. Grades 6-12

1. G and PG movies may be shown.
2. Regarding movies with a rating that exceeds the age of the students in the classroom (i.e. PG-13 in the middle school or R in the high school):
 - a. If a portion of the movie to be used is a short segment, which does not contain any of the content for which the film was given the rating, the segment may be used following prior approval of the building principal.
 - b. For PG 13 movies in the middle school: if the teacher is showing a large portion of the movie, or the movie in its entirety, the use of the movie must be agreed-upon by the building level department and pre-approved by the building principal. In addition, parental permission will be sought using a form specifically describing the content of the film and its educational purpose.
 - c. For R rated movies in the high school: if the teacher is showing a large portion of the movie, or the movie in its entirety, the use of the movie must be agreed-upon by the building level department, pre-approved by the site-based team and the principal. Furthermore, parent permission will be sought using a form specifically describing the content of the film and its educational purpose.
 - d. An alternative movie/or assignment meeting the same educational objective will be provided for students whose parents choose that they opt out of the movie.

III. RECONSIDERATION OF MULTIMEDIA IN THE CLASSROOM

- A. The school board recognizes differences of opinion on the part of some members of the school district community relating to certain multimedia. Interested persons may request an opportunity to review multimedia materials and submit a request for reconsideration of the use of certain multimedia.
- B. The superintendent shall be responsible for the development of guidelines and procedures to identify the steps to be followed to seek reconsideration of multimedia.
- C. Such procedure shall be an addendum to this policy.

Reconsideration Of Multimedia Procedure (Addendum)

I. Initial response

When a parent or guardian has a concern about a multimedia resource, the concern should be directed to either the teacher or building principal. If the concern is directed to the teacher, the teacher should notify the building principal. If the concern is directed to the building principal, he/she shall likewise notify the teacher.

If discussion between the parent/guardian and the teacher does not resolve the concern, a meeting shall occur between the parent/guardian and the teacher to allow the parent/guardian to express the concern and to allow the teacher to explain the selection rationale for the multimedia material and its intended use in the curriculum. If these explanations do not resolve the issue, the teacher may offer an alternative resource. While an alternative may be offered, the student must complete the learner outcomes and performance standards for which the resource was initially selected.

II. Formal Complaint

If the issue is not resolved using the Initial Response, the principal will inform the parent of the procedure for the reconsideration of a multimedia resource, and the parent/guardian will be given the Request for Reconsideration of Multimedia Resources. Use of the questioned multimedia shall not be restricted during the reconsideration process.

IV. Procedures

Upon receipt of the complaint form from the complainant, copies are sent to:

1. The department chairperson or grade level chairperson
2. The teacher in whose class the materials were used
3. The building principal
4. The superintendent of schools
5. The Review Committee

The complainant shall be notified by written notice that the Reconsideration Form has been received. The written notice will include the date, time, and place of the public hearing review of the multimedia materials.

V. Review Committee

There shall be separate K-5 and 6-12 review committees. Three parents will be appointed by the school board from a list of parents provided by the superintendent. The parents shall be appointed to the committee as necessary in response to a reconsideration request and shall serve a three-year term. The principal of the building concerned shall appoint a BEA representative and a media specialist for each reconsideration. The director of curriculum and instruction will also serve on each review committee.

A moderator, who is not a member of the committee, will be appointed by the Superintendent and will facilitate the reconsideration hearing, which shall be open to the public. Public notice of the meeting shall be posted three days in advance of the meeting. The procedures for the reconsideration hearing will be:

1. Persons who wish to address the Review Committee shall register before the meeting at the meeting location.
2. Those addressing the committee may submit written documents.
3. The committee shall have the right to question presenters, but are not to debate the merits of a particular argument with presenters.
4. The committee will reconvene after the public hearing to evaluate the multimedia material and make a recommendation to the School Board, with supporting documentation.
5. The Review Committee shall submit all accumulated documentation, notes, testimony records, and meeting minutes to the school district office.
6. The School Board will make the final determination concerning the multimedia reconsideration.

VI. Resolution

Once a multimedia material has been reconsidered it may not be reconsidered again for two calendar years. If a multimedia material is removed, it may be submitted for inclusion in the curriculum after two calendar years using this Reconsideration Of Multimedia Procedure.

REQUEST FOR RECONSIDERATION OF MULTIMEDIA RESOURCES

Request initiated by _____ Date _____

Address _____ Phone _____

E-Mail _____

Multimedia of Concern

Studio/Producer _____

Title _____

MAPP Rating _____

Type of resource _____

(movie, digital resource, etc.)

Location Being Used _____

(School Building/Class/Teacher)

1. Have you watched or listened to the entire selection? ____yes ____no

2. Specific concerns regarding the multimedia resource in question: (Please cite specific language, scenes, sections etc.)

3. Why do you object to this material?

4. What would you like the school to do about this material?

5. In its place, what material would you recommend?

(Signature)

(Date)

**Please return this form to the Director of Curriculum and Instruction.
GUIDING PRINCIPALS FOR THE REVIEW COMMITTEE**

1. The work shall be evaluated based on its merit as a whole and the appropriateness of individual sections relative to the age of the students for which it is intended.
2. If the multimedia material being challenged is part of instructional curricula, the material shall be evaluated within its context in the curriculum and consideration will be given to its instructional purpose.
3. If the material that is being challenged is a part of the library collection or a classroom resource, the committee will consider the difference between library or resource materials and curriculum materials required for all students. If the multimedia is a library or resource material, the principles of intellectual freedom, the right of access to materials, and the professionalism of the certified staff must be upheld while reevaluating the material in question.
4. Education must reflect the diversity and debate inherent in a democratic society.
5. The ratings system developed and employed in the music, motion picture, and television industries should not be the only guide for determining the suitability of materials to be used in classroom instruction.
6. The review committee will consider national critic reviews and/or awards.
7. The committee may consider the material's use in other school districts.
8. The committee will consider the developmental appropriateness of the material for the age group with which it is being used.
9. The committee will consider the vision and goals of the School District.

Adopted: _____

MSBA/MASA Model Policy 601

Orig. 1995

Revised: _____

Rev. 2024~~3~~

601 SCHOOL DISTRICT CURRICULUM AND INSTRUCTION GOALS

[**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 617-620 provide procedures to further implement the requirements of Minnesota Statutes, section 120B.11.**]

I. PURPOSE

The purpose of this policy is to establish broad curriculum parameters for the school district that encompass the Minnesota Academic Standards and federal law and are aligned with comprehensive achievement and civic readiness~~creating the world's best workforce~~.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to ~~establish the "world's best workforce"~~strive for comprehensive achievement and civic readiness in which all learning in the school district should be directed and for which all school district learners should be held accountable.

III. DEFINITIONS

- A. "Academic standard" means a summary description of student learning in a required content area or elective content area.
- B. "Antiracist" means actively working to identify and eliminate racism in all forms in order to change policies, behaviors, and beliefs that perpetuate racist ideas and actions.
- C. "Benchmark" means 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.
- D. "Comprehensive Achievement and Civic Readiness" means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; have all students graduate from high school; and prepare students to be lifelong learners.
- E. "Culturally sustaining" means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through the education system.
- F. "Curriculum" means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, skills, and career and college readiness.
- G. "Ethnic studies" as defined in Minnesota Statutes, section 120B.25, has the same meaning for purposes of this section. Ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.

- H. "Experiential learning" means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.
- I. "Institutional racism" means structures, policies, and practices within and across institutions that produce outcomes that disadvantage those who are Black, Indigenous, and People of Color.
- J. "Instruction" means methods of providing learning experiences that enable students to meet state and district academic standards and graduation requirements including applied and experiential learning.
- K. "Performance measures" are measures to determine school district and school site progress in striving for comprehensive achievement and civic readiness to create the world's best workforce and must include at least the following:
 1. the size of the academic achievement gap; rigorous course taking, including college-level advanced placement, international baccalaureate, postsecondary enrollment options, including concurrent enrollment, other rigorous courses of study or industry certification courses or programs, and enrichment experiences by student subgroup;
 2. student performance on the Minnesota Comprehensive Assessments;
 3. high school graduation rates; and
 4. career and college readiness under Minnesota Statutes, section 120B.30, subdivision 1.

~~K. "World's best workforce" means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.~~

[Note: Definitions B, E, G, and I are were added to Minnesota Statutes, section 120B.11—the World's Best Workforce Comprehensive Achievement and Civic Readiness law—effective August 1, 2023. The definitions apply to revisions to the World's Best Workforce Comprehensive Achievement and Civic Readiness law regarding ~~strategic plans~~; these revisions are effective "for all strategic plans reviewed and updated after June 30, 2024."]

~~Because school districts may choose to implement the new definitions and the strategic plan revisions before June 30, 2024, MSBA includes the new definitions and revisions in Articles III and IV. A school district could choose to wait to adopt the new definitions and revisions with the understanding that they will be effective for all strategic plans reviewed and updated after June 30, 2024.]~~

IV. LONG-TERM STRATEGIC PLAN

- A. The school board, at a public meeting, must adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with creating the

~~world's best workforce~~ striving for comprehensive achievement and civic readiness and includes the following:

1. clearly defined school district and school site goals and benchmarks for instruction and student achievement for all student categories identified in Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b)(2);

[Note: MSBA/MASA Model Policy 601, Section IV.B. and MSBA/MASA Model Policy 616 address this requirement.]

2. a process to assess and evaluate each student's progress toward meeting state and local academic standards, assess and identify students for participation in gifted and talented programs and services and accelerate their instruction, adopt early-admission procedures consistent with Minnesota Statutes, section 120B.15 and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;

[Note: MSBA/MASA Model Policy 618 addresses this requirement.]

3. a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes, section 123B.147, subdivision 3, students' access to effective teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under Minnesota Statutes, section 120B.35, subdivision 3(b)(2), and teacher evaluations under Minnesota Statutes, section 122A.40, subdivision. 8, or 122A.41, subdivision 5;

[Note: MSBA/MASA Model Policy 616 addresses this requirement.]

4. strategies for improving instruction, curriculum, and student achievement, including the English and, where practicable, the native language development and the academic achievement of English learners;

[Note: MSBA/MASA Model Policy 616 addresses this requirement.]

5. a process to examine the equitable distribution of teachers and strategies to ensure children in low-income families, children in families of People of Color, and children in American Indian families are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;

6. education effectiveness practices that
 - a. integrate high-quality instruction, technology, and curriculum that is rigorous, accurate, antiracist, and culturally sustaining;
 - b. ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees;
 - c. provide a collaborative professional culture that seeks to retain qualified, racially and ethnically diverse staff effective at working with

diverse students while developing and supporting teacher quality, performance, and effectiveness; and

7. an annual budget for continuing to implement the school district plan; and
 8. identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.
- B. The school district is not required to include information regarding literacy in a plan or report required under this section, except with regard to the academic achievement of English learners.
- C. Every child is reading at or above grade level every year, beginning in kindergarten, and multilingual learners and students receiving special education services are receiving support in achieving their individualized reading goals pursuant to Policy XXX (Reading and the Read Act)

Legal References: Minn. Stat. § 120B.018 (Definitions)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness ~~the World's Best Workforce~~)
Minn. Stat. § 120B.12 (Read Act Goal and Interventions)
Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)
Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)
Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)
Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)
Minn. Stat. § 123B.147, Subd. 3 (Principals)
Minn. Stat. § 125A.56, Subd. 1 (Alternate Instruction Required before Assessment Referral)
20 U.S.C. § 5801, *et seq.* (National Education Goals)
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

Cross References: MSBA/MASA Model Policy 104 (School District Mission Statement)
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)

Adopted: _____

MSBA/MASA Model Policy 602

Orig. 1995

Revised: _____

Rev. 2024~~3~~

602 ORGANIZATION OF SCHOOL CALENDAR AND SCHOOL DAY

I. PURPOSE

The purpose of this policy is to provide for a timely determination of the school calendar and school day.

II. GENERAL STATEMENT OF POLICY

The school calendar and schedule of the school day are important to parents, students, employees, and the general public for advance, effective planning of the school year.

III. CALENDAR RESPONSIBILITY

- A. The school calendar shall be adopted annually by the school board. It shall meet all provisions of Minnesota statutes pertaining to minimum number of school days and other provisions of law. The school calendar shall establish student days, workshop days for staff, provide for emergency closings and other information related to students, staff, and parents.

[NOTE: The annual school calendar must include at least 425 hours of instruction for a kindergarten student ~~without a disability~~, 935 hours of instruction for a student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not including summer school. The school calendar for all-day kindergarten must include at least 850 hours of instruction for the school year. If a voluntary prekindergarten program is offered by the school district, a prekindergarten student must receive at least 350 hours of instruction for the school year. A school board's annual calendar must include at least 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule has been approved by the ~~Minnesota~~ Commissioner of the Minnesota Department of Education under Minnesota Statutes, section 124D.126. A school board's annual school calendar may include plans for up to five days of instruction provided through online instruction due to inclement weather. The inclement weather plans must be developed according to Section V., below.]

[NOTE: To the extent the school board offers K-12 teachers the opportunity for more staff development training under Minnesota Statutes, section 122A.40, subdivisions 7 and 7a, or Minnesota Statutes, section 122A.41, subdivisions. 4 and 4a, the school district shall adopt as its school calendar a total of 240 days of student instruction and staff development, of which the total number of staff development days equals the difference between the total number of days of student instruction and 240 days. The school board may schedule additional staff development days throughout the calendar year.]

- B. Except for learning programs during summer and flexible learning year programs, the school district will not commence an elementary or secondary school year before Labor Day, except as provided in Section III.B.1., III.B.2., or III.B.3. Days devoted to teacher's workshops may be held before Labor Day.

1. The school district may begin the school year on any day before Labor Day to accommodate a construction or remodeling project of \$400,000 or more affecting a school district school facility.
 2. The school district may begin the school year on any day before Labor Day if the school district has agreement under Minnesota Statutes, section 123A.30, 123A.32, or 123A.35 with a school district that qualifies under Section III.B.1.
 3. The school district may begin the school year on any day before Labor Day if the school district agrees to the same schedule with a school district in an adjoining state.
- C. Employee and advisory groups shall be provided an opportunity to participate in school calendar considerations through a meet and confer process.

~~[NOTE: The provisions of the prior law requiring the school board to adopt the calendar for the next school year by April 1 have been repealed. The school board should still attempt to establish the calendar as early as possible so proper planning can take place by all members of the school community.]~~

[The statutory April 1 requirement was repealed many years ago.]

IV. SCHOOL DAY RESPONSIBILITY

- A. The superintendent shall be responsible for developing a schedule for the student day, subject to review by the school board. All requirements and provisions of Minnesota Statutes and Minnesota Department of Education Rules shall be met.
- B. In developing the student day schedule, the superintendent shall consider such factors as school bus schedules, cooperative programs, differences in time requirements at various grade levels, effective utilization of facilities, cost effectiveness, and other concerns deserving of attention.
- C. Proposed changes in the school day shall be subject to review and approval by the school board.

V. E-LEARNING DAYS

- A. An "e-learning day" is a school day where a school offers full access to online instruction provided by students' individual teachers due to inclement weather.
- B. A school district may designate up to five e-learning days in one school year.
- C. An e-learning day is counted as a day of instruction and included in the hours of instruction pursuant to Section III.A., above.
- D. A school board may adopt an e-learning day plan after consulting with the exclusive representative of the teachers. The e-learning day plan developed by the school district will include accommodations for students without Internet access at home and for digital device access for families without the technology or with an insufficient amount of technology for the number of children in the household. The plan must also provide accessible options for students with disabilities.
- E. The school district must notify parents and students of its e-learning day plan at the beginning of each school year.

- F. When an e-learning day is declared by the school district, notice must be provided to parents and students at least two hours prior to the normal school start time that students will need to follow the e-learning day plan for that day.
- G. On an e-learning day, each student's teacher must be accessible both online and by telephone during normal school hours to assist students and parents.
- H. When the school district declares an e-learning day, it must continue to pay the full wages for scheduled work hours and benefits of all school employees for the duration of the e-learning period. During the e-learning period, school employees must be allowed to work from home to the extent practicable, be assigned to work in an alternative location, or be retained on an on-call basis for any potential need.

Legal References: Minn. Stat. § 10.55 (Juneteenth)
Minn. Stat. § 120A.40 (School Calendar)
Minn. Stat. § 120A.41 (Length of School Year; Hours of Instruction)
Minn. Stat. § 120A.414 (E-Learning Days)
Minn. Stat. § 120A.415 (Extended School Calendar)
Minn. Stat. § 120A.42 (Conduct of School on Certain Holidays)
Minn. Stat. § 122A.40, Subds. 7 and 7a (Employment; Contracts; Termination)
Minn. Stat. § 122A.41, Subds. 4 and 4a (Teacher Tenure Act; Cities of the First Class; Definitions)
Minn. Stat. § 123A.30 (Agreements for Secondary Education)
Minn. Stat. § 123A.32 (Interdistrict Cooperation)
Minn. Stat. § 123A.35 (Cooperation and Combination)
Minn. Stat. § 124D.126 (Powers and Duties of Commissioner; Flexible Learning Year Programs)
Minn. Stat. § 124D.151 (Voluntary Prekindergarten Program)
Minn. Stat. § 124E.25 (Payment of Aids to Charter Schools)
Minn. Stat. § 127A.41, Subd. 7 (Distribution of School Aids; Appropriation)
Minn. Stat. § 645.44 (Words and Phrases Defined)

Cross References: MSBA/MASA Model Policy 425 (Staff Development)

Adopted: _____

MSBA/MASA Model Policy 603

Orig. 1995

Revised: _____

Rev. 2024

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

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.

IV. DISTRICT ADVISORY COMMITTEE

- A. The school board must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.
- B. The District Advisory Committee, to the extent possible, must reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. Whenever possible, parents and other community residents must comprise at least two-thirds of committee members.
- C. The District Advisory Committee must pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with Minnesota Statutes, section 124D.59, subdivisions 2 and 2a.
- D. The school district may establish site teams as subcommittees of the District Advisory Committee.
- E. The District Advisory Committee must recommend to the school board

1. rigorous academic standards, student achievement goals and measures consistent with Minnesota Statutes, sections 120B.11, subdivision 1a~~1~~^{1.7}, 120B.022~~1~~, subdivisions 1a and 1b~~1~~^{1.7} and 120B.35;
 2. district assessments;
 3. means to improve students' equitable access to effective and more diverse teachers;
 4. strategies to ensure the curriculum is rigorous, accurate, antiracist, culturally sustaining, and reflects the diversity of the student population;
 5. strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and
 6. program evaluations.
- F. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs.

V. SCHOOL SITE TEAM

Each school must establish a site team to develop and implement strategies and education effectiveness practices to improve instruction, curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. The site team must include an equal number of teachers and administrators and at least one parent. The site team advises the board and the advisory committee about developing the annual budget and creates an instruction and curriculum improvement plan to align curriculum, assessment of student progress, and growth in meeting state and district academic standards and instruction.

VI. CURRICULUM DEVELOPMENT PROCESS

[Note: In light of changes in Minnesota law regarding curriculum, MSBA encourages school districts to consider deleting Article VI, Section A or revising it to reflect local curriculum development processes. Literacy planning is now addressed in new model policy 621: Literacy and the READ Act.]

- A. 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, subdivision 1(c). A student's plan under this section shall continue while the student is enrolled.
- B. 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.
- C. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to curriculum development.

Legal References: Minn. Stat. § 120A.20 (Admission to Public School)
Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness~~the World's Best Workforce~~)
Minn. Stat. § 120B.12 (~~Reading Proficiently No Later than the End of Grade 3~~Read Act Goal and Interventions)
Minn. Stat. § 120B.125(f) (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
Minn. Stat. § 124D.59 (Definitions)
Minn. Rules Part 3500.0550 (Inclusive Educational Program)
~~Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)~~
Minn. Rules Part 3501.0660 (Academic Standards for Kindergarten through Grade 12)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Part 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.09~~6055~~ (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: _____

MSBA/MASA Model Policy 604

Orig. 1995

Revised: _____

Rev. 2024

604 INSTRUCTIONAL CURRICULUM

I. PURPOSE

The purpose of this policy is to provide for the development of course offerings for students.

II. GENERAL STATEMENT OF POLICY

A. Instruction must be provided in at least the following subject areas:

1. basic communication skills including reading and writing, literature, and fine arts;
2. mathematics and science;
3. social studies, including history, geography, economics, government, and citizenship ~~that includes civics (see II.I.);~~
4. health and physical education;

[NOTE: Health curriculum may include child sexual abuse prevention in consultation with other federal, state, or local agencies and community-based organizations to identify research-based tools, curricula, and programs.]

5. ~~t~~he arts;
6. ~~c~~areer and technical education; and
7. ~~w~~orld languages.

[NOTE: The school district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages. World languages programs should be developed and implemented to acknowledge and reinforce the language proficiency and cultural awareness that non-English language speakers already possess and encourage students' proficiency in multiple world languages. Programs also must encompass indigenous American Indian languages and cultures, among other world languages and cultures. School districts may award Minnesota World Language Proficiency Certificates consistent with Minnesota Statutes, section 120B.022.]

- B. The basic instructional program shall include all courses required for each grade level by the Minnesota Department of Education (MDE) and courses required in all elective subject areas. The instructional approach will be nonsexist and multicultural.
- C. The school district must establish and regularly review its own standards for career and technical education (CTE) programs. Standards must align with CTE frameworks developed by the Department of Education, standards developed by national CTE organizations, or recognized industry standards.

- D. The school board, at its discretion, may offer additional courses in the instructional program at any grade level.
- E. Each instructional program shall be planned for optimal benefit taking into consideration the financial condition of the school district and other relevant factors. Each program plan should contain goals and objectives, materials, minimum student competency levels, and methods for student evaluation.
- F. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to instructional curriculum.
- G. The school district ~~or charter school~~ may not discriminate against or discipline a teacher or principal on the basis of incorporating into curriculum contributions of persons in a federally protected class or state protected class when the included contribution is in alignment with standards and benchmarks adopted under Minnesota Statutes, sections 120B.021 and 120B.023.

III. REQUIRED ACADEMIC STANDARDS

- A. The following subject areas are required for statewide accountability:
 1. language arts;
 2. mathematics, encompassing algebra II, integrated mathematics III, or an equivalent in high school, and to be prepared for the three credits of mathematics in grades 9 through 12, the grade 8 standards include the completion of algebra;
 3. science, including earth and space science, life science, and the physical sciences, including chemistry and physics;
 4. social studies, including history, geography, economics, and government and citizenship that includes civics;
 5. physical education;
 6. health, for which locally developed academic standards apply; and
 7. the arts.
- B. Elementary and middle schools must offer at least three and require at least two of the following five arts areas: dance, media arts, music, theater, and visual arts. High schools must offer at least three and require at least one of the following five arts areas: media arts, dance, music, theater, and visual arts.

[NOTE: Line 6. regarding locally developed health academic standard continues to be in effect. The 2024 Minnesota legislature enacted a change in health standards from local to state determination, as noted in Model Policy 613. It will likely take eighteen months or more for a state health standard to be finalized. Until that time, school districts should maintain their locally developed health academic standards. MSBA will alert school districts to update line 6. when the state standards are finalized.]

IV. PARENTAL CURRICULUM REVIEW

The school district shall have a procedure for a parent, guardian, or an adult student, 18 years of age or older, to review the content of the instructional materials to be provided to a minor child or to an adult student and, if the parent, guardian, or adult student objects to the content, to make reasonable arrangements with school personnel for alternative instruction. Alternative instruction may be provided by the parent, guardian, or adult student if the alternative instruction, if any, offered by the school board does not meet the concerns of the parent, guardian, or adult student. The school board is not required to pay for the costs of alternative instruction provided by a parent, guardian, or adult student. School personnel may not impose an academic or other penalty upon a student merely for arranging alternative instruction under this section. School personnel may evaluate and assess the quality of the student's work.

V. CPR AND AED INSTRUCTION

The school district will provide onetime cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) instruction as part of its grade 7 to 12 curriculum.

- A. In the school district's discretion, training and instruction may result in CPR certification.
- B. CPR and AED instruction must include CPR and AED training that have been developed:
 - 1. by the American Heart Association or the American Red Cross and incorporate psychomotor skills to support the instruction; or
 - 2. using nationally recognized, evidence-based guidelines for CPR and incorporate psychomotor skills to support the instruction. "Psychomotor skills" means hands-on practice to support cognitive learning; it does not mean cognitive-only instruction and training.
- C. The school district may use community members such as emergency medical technicians, paramedics, police officers, firefighters, and representatives of the Minnesota Resuscitation Consortium, the American Heart Association, or the American Red Cross, among others, to provide instruction and training.
- D. A school administrator may waive this curriculum requirement for a high school transfer student regardless of whether or not the student previously received instruction under this section, an enrolled student absent on the day the instruction occurred under this section, or an eligible student who has a disability.

[NOTE: If a school district requests resources, the Minnesota Resuscitation Consortium must provide them to the school district for instruction and training provided to students under this section.]

VI. COLLEGE AND CAREER PLANNING

- A. The school district shall assist all students by no later than grade 9 to explore their educational college and career interests, aptitudes, and aspirations and develop a plan for a smooth and successful transition to postsecondary education or employment. All students' plans must:
 - 1. provide a comprehensive plan to prepare for and complete career and college-ready curriculum by meeting state and local academic standards and developing career and employment-related skills such as teamwork, collaboration, creativity, communication, critical thinking, and good work habits;
 - 2. emphasize academic rigor and high expectations and inform the student, and

the student's parent or guardian if the student is a minor, of the student's achievement level score on the Minnesota Comprehensive Assessments that are administered during high school;

3. help students identify interests, aptitudes, aspirations, and personal learning styles that may affect their career and college-ready goals and postsecondary education and employment choices;
 4. set appropriate career and college-ready goals with timelines that identify effective means for achieving those goals;
 5. help students access education and career options;
 6. integrate strong academic content into career-focused courses and applied and experiential learning opportunities and integrate relevant career-focused courses and applied and experiential learning opportunities into strong academic content;
 7. help identify and access appropriate counseling and other supports and assistance that enable students to complete required coursework, prepare for postsecondary education and careers, and obtain information about postsecondary education costs and eligibility for financial aid and scholarship;
 8. help identify collaborative partnerships among pre-kindergarten through grade 12 schools, postsecondary institutions, economic development agencies, and local and regional employers that support students' transitions to postsecondary education and employment and provide students with applied and experiential learning opportunities; and
 9. be reviewed and revised at least annually by the student, the student's parent or guardian, and the school district to ensure that the student's course-taking schedule keeps the student on track for graduation, making adequate progress to meet state and local academic standards and high school graduation requirements and with a reasonable chance to succeed with employment or postsecondary education without the need to first complete remedial course work.
- B. The school district may develop grade-level curricula or provide instruction that introduces students to various careers, but must not require any curriculum, instruction, or employment-related activity that obligates an elementary or secondary student to involuntarily select or pursue a career, career interest, employment goals, or related job training.
- C. Educators must possess the knowledge and skills to effectively teach all English learners in their classrooms. School districts must provide appropriate curriculum, targeted materials, professional development opportunities for educators, and sufficient resources to enable English learners to become career and college ready.
- D. When assisting students in developing a plan for a smooth and successful transition to postsecondary education and employment, school districts must recognize the unique possibilities of each student and ensure that the contents of each student's plan reflect the student's unique talents, skills, and abilities as the student grows, develops, and learns.

- E. If a student with a disability has an Individualized Education Program (IEP) or standardized written plan that meets the plan components herein, the IEP satisfies the requirement, and no additional transition plan is needed.
- F. Students who do not meet or exceed the 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 the compulsory attendance law. A student's plan under this provision shall continue while a student is enrolled.

Legal References: Minn. Stat. § 120A.22 (Compulsory Instruction)
[Minn. Stat. § 120B.021 \(Required Academic Standards\)](#)
[Minn. Stat. § 120B.022 \(Elective Standards\)](#)
[Minn. Stat. § 120B.023 \(Benchmarks\)](#)
Minn. Stat. § 120B.101 (Curriculum)
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
Minn. Stat. § 120B.20 (Parental Curriculum Review)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 120B.236 (Cardiopulmonary Resuscitation and Automatic External Defibrillator Instruction)

Cross References: MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 605 (Alternative Programs)

Adopted: _____

MSBA/MASA Model Policy 605

Orig. 1999

Revised: _____

Rev. ~~2022~~1999

605 ALTERNATIVE ~~PROGRAMS~~ EDUCATIONAL SERVICES

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The school board recognizes the importance of alternative ~~program options~~ 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 ~~board-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 ~~program 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 ~~programs~~ educational services. The superintendent shall, through cooperative efforts with other schools, agencies, and organizations, periodically recommend additional or modified alternative educational ~~programs-services~~ to the school board.

B.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: _____

MSBA/MASA Model Policy 608

Orig. 1995

Revised: _____

Rev. 2024²

608 INSTRUCTIONAL SERVICES – SPECIAL EDUCATION

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

I. PURPOSE

The purpose of this policy is to set forth the position of the school board on the need to provide special educational services to 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. CHILDREN BIRTH THROUGH AGE SIX EXPERIENCING DEVELOPMENTAL DELAYS

A. "Child with a disability" means a child identified under federal and state special education law as deaf or hard-of-hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children from birth through age two and by the rules of the Commissioner of the Minnesota Department of Education for all other children. A licensed physician, an advanced practice registered nurse, a physician assistant, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability.

B. In addition to Paragraph A, every child under age three and, at local district discretion, every child from age three through age six, who needs special instruction and services, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children under age three and by the rules of the Commissioner of the Minnesota Department of Education for children ages three through six, because the child has a substantial delay or has a diagnosed physical or mental condition or disorder with a high probability of resulting in developmental delay is a child with a disability.

C. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children from birth through age two and by the rules of the Commissioner of the Minnesota Department of Education for all other children, is not a child with a disability.

[NOTE: The 2024 Minnesota legislature revised these provisions in part to account for the responsibilities of the new Department of Children, Youth, and Families. The provisions quote Minnesota Statutes, section 125A.02.]

IV. RESPONSIBILITIES

A. The school board accepts its responsibility to identify, evaluate, and provide special

education and related services for ~~disabled~~ children with a disability who are properly the responsibility of the school district and who meet the criteria to qualify for special education and related services as set forth in Minnesota and federal law.

- B. The school district shall ensure that all qualified children with a disability are provided special education and related services that 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 applicable federal and state law.

D. The school district may conduct an assessment for developmental adapted physical education, as defined in Minnesota Rules, part 3525.1352, as a stand-alone evaluation without conducting a comprehensive evaluation of the student in accordance with prior written notice provisions in Minnesota Statutes, section 125A.091, subdivision 3a. A parent or guardian may request that the school district conduct a comprehensive evaluation of the parent's or guardian's student.

[NOTE: The 2024 Minnesota legislature enacted paragraph D. This provision is permissive, not mandatory. A school board can decide whether to add it to a policy.]

Legal References: Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 125A.02 (Child with a Disability Defined)
Minn. Stat. § 125A.027 (Rulemaking)
Minn. Stat. § 125A.03 (Special Instruction for Children with a Disability)
Minn. Stat. § 125A.08 (Individualized Education Programs)
Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)
Minn. Stat. § 125A.29 (Responsibilities of County Boards and School Boards))
20 U.S.C. § 1400 *et seq.* (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 Individualized Education Programs)
MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

Adopted: _____

MSBA/MASA Model Policy 609

Orig. 1995

Revised: _____

Rev. 20242

609 RELIGION AND RELIGIOUS AND CULTURAL OBSERVANCES

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. The superintendent shall be responsible 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 must be made to accommodate any student who wishes to be excused from a curricular activity for a religious observance or American Indian cultural practice, observance, or ceremony. The school district must provide annual notice to parents of this policy.
- 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 and Cultural
Observances)
Minn. Stat. § 121A.10 (Moment of Silence)
Good News Club v. Milford Central School, 533 U.S. 98 (2001)
Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000)
Tangipahoa Parish Bd. of Educ. v. Freiler, 530 U.S. 1251 (2000)
Lemon v. Kurtzman, 403 U.S.602, (1971)
Child Evangelism Fellowship v. Minneapolis Special Sch. Dist. No. 1, 690 F.3d
996 (8th Cir. 2012)
Wigg v. Sioux Falls Sch. Dist., 382 F.3d 807 (8th Cir. 2004)
Doe v. School Dist. of City of Norfolk, 340 F.3d 605 (8th Cir. 2003)
Stark v. Independent Sch. Dist. No. 640, 123 F.3d 1068 (8th Cir. 1997)
Florey v. Sioux Falls Sch. Dist. 49-5, 619 F.2d 1311 (8th Cir. 1980)
Roark v. South Iron R-1 Sch. Dist., 573 F.3d 556 (8th Cir. 2009)
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:

MSBA/MASA Model Policy 801 (Equal Access to School Facilities)

Adopted: _____

MSBA/MASA Model Policy 611

Orig. 1996

Revised: _____

Rev. 202219

611 HOME SCHOOLING

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

I. PURPOSE

The purpose of this policy is to recognize and provide guidelines in accordance with state law for parents who wish to have their children receive education in a home school that is an alternative to an accredited public or private school.

II. GENERAL STATEMENT OF POLICY

The Compulsory Attendance Law (~~Minn. Stat. §~~Minnesota Statutes section 120A.22) provides that the parent or guardian of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship. (~~Minn. Stat. § 120A.22, Subd. 1~~)

III. CONDITIONS FOR HOME SCHOOLING

The person in charge of a home school and the school district must provide instruction and meet the requirements specified in Minnesota Statutes section~~Minn. Stat. §~~ 120A.22.

IV. IMMUNIZATION

The parent or guardian of a home-schooled child shall submit statements as required by ~~Minn. Stat. §~~ Minnesota Statutes section 121A.15, Subds. 1, 2, 3, 4, and 12, on the appropriate Minnesota Department of Education form, to the superintendent of the school district in which the child resides by October 1 of the first year of home schooling in Minnesota and the grade 7 year. (~~Minn. Stat. § 121A.15, Subd. 8~~)

V. TEXTBOOKS, INSTRUCTIONAL MATERIAL, STANDARD TESTS

Upon formal request, as required by law, the school district will provide textbooks (including a teacher's edition, guide, or other materials that accompany a textbook when the edition, guide, or materials are packaged physically or electronically with textbooks for student use), individualized instructional or cooperative learning materials (including teacher materials that accompany pupil materials), software or other educational technology, and standardized tests and loan or provide them for use by a home-schooled child as provided ~~in Minn. Stat. § 123B.42 and Minn. Rules Ch. 3540 under state law.~~ The school district is not required to expend any amount for this purpose that exceeds the amount it receives pursuant to ~~Minn. Stat. §§ 123B.40-123B.48 state law~~ for this purpose. If curriculum has both physical and electronic components, the school district will, at the request of the student or the student's parent or guardian, make the electronic component accessible to a resident student provided that the school district does not incur more than an incidental cost as a result of providing access electronically.

VI. PUPIL SUPPORT SERVICES

Upon formal request, as required by law, the school district will provide pupil support services in the form of health services and counseling and guidance services to a home-schooled child as provided ~~by Minn. Stat. § 123B.44 and Minn. Rules Ch. 3540 under state law.~~ The school

district is not required to expend an amount for any of these purposes that exceeds the amount it receives pursuant to ~~Minn. Stat. §§ 123B.40-123B.48 for any of these purposes.state law.~~

VII. EXTRACURRICULAR ACTIVITIES

Resident pupils who receive instruction in a home school (in which five or fewer students receive instruction) may fully participate in extracurricular activities of the school district on the same basis as other public school students. ~~(Minn. Stat. §§ 123B.36, Subd. 1, and 123B.49, Subd. 4)~~

VIII. SHARED TIME PROGRAMS

Enrollment in class offerings of the school district.

- A. A home-schooled child who is a resident of the school district may enroll in classes in the school district as a shared time pupil on the same basis as other nonpublic school students. The provisions of this policy shall not be determinative of whether the school district allows the enrollment of any pupils on a shared-time basis.
- B. The school district may limit enrollment of shared-time pupils in such classes based on the capacity of a program, class, grade level, or school building. The school board and administration retain sole discretion and control over scheduling of all classes and assignment of shared time pupils to classes.

[Note: The provisions of Article VIII. - Shared Time Programs do not ~~make a determination as to determine~~ whether Shared Time Programs should be offered to any pupil. However, home-schooled children are required to be treated the same as all other nonpublic school children.]

IX. OPTIONAL COOPERATIVE ARRANGEMENTS

A. Activities

1. Minnesota State High School League-sponsored activities (in which six or more students receive instruction in the home school or the home school students are not residents of the school district).

A home school that is a member of the Minnesota State High School League may request that the school district enter into a cooperative sponsorship arrangement as provided in Minnesota State High School League ~~Bylaw 403.00~~bylaws. The approval of such an arrangement shall be at the discretion of the school board.

- a. The home school must become a member of the Minnesota State High School League in accordance with the rules of the Minnesota State High School League.
- b. The home school is solely responsible for any costs or fees associated with its application for and/or subsequent membership in the Minnesota State High School League.
- c. The home school is responsible for any and all costs associated with its participation in a cooperative sponsorship arrangement as well as any school district activity fees associated with the Minnesota State High School League activity.

2. Non-Minnesota State High School League activities in which six or more students receive instruction in the home school.

A home-schooled child may participate in non-Minnesota State High School League activities offered by the school district upon application and approval from the school board to participate in the activity and the payment of any activity fees associated with the activity. However, home school students may not be charged higher activity fees than other public school students. An approval shall be granted at the discretion of the school board.

B. Transportation Services

1. The school district may provide nonpublic nonregular transportation services to a home-schooled child.
2. The school board of the school district retains sole discretion and control and management of scheduling routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, and any other matter relating to the provision of transportation services.

Legal References:

Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 120A.26 (Enforcement and Prosecution)
Minn. Stat. § 121A.15 (Health Standards; Immunizations; School Children)
Minn. Stat. § 123B.36 (~~School Boards May Require~~ Authorized Fees)
Minn. Stat. § 123B.41 (Definitions)
Minn. Stat. § 123B.42 (Textbooks;~~L7~~ Individual Instruction or Cooperative Learning Material;~~L7~~ Standard Tests)
Minn. Stat. § 123B.44 (Provision of Pupil Support Services)
Minn. Stat. § 123B.49 (~~Cocurricular and~~ Extracurricular Activities; Insurance)
Minn. Stat. § 123B.86 (Equal Treatment - Transportation)
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Rules Ch. 3540 (~~Textbooks, Individualized Instruction Materials, Standardized Tests~~)Nonpublic Schools)

Cross References:

MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)
MSBA/MASA Model Policy 510 (School Activities)

Adopted: _____

MSBA/MASA Model Policy 613

Orig. 1997

Revised: _____

Rev. 2024~~2~~

613 GRADUATION REQUIREMENTS

[NOTE: The requirements set forth in this policy govern the graduation standards that Minnesota public schools must require for a high school diploma for all students.]

I. PURPOSE

The purpose of this policy is to set forth requirements for graduation from the school district.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is that all students ~~entering grade 8 in the 2012-2013 school year and later~~ must demonstrate, as determined by the school district, their satisfactory completion of the credit requirements and their understanding of academic standards. The school district must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule.

III. DEFINITIONS

- A. "Credit" means a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter, as determined by the school district.
- B. ~~"English language learners" or "ELL" student means an individual whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency. "Individualized Education Program" or "IEP" means a written statement developed for a student eligible by law for special education and services.~~
- C. ~~"Individualized Education Program" or "IEP" means a written statement developed for a student eligible by law for special education and services. "English language learners" or "ELL" student means an individual whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.~~
- D. "Required standard" means: ~~(1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, health, and the arts, and (2) a locally adopted expectation for student learning in health. Locally developed academic standards in health apply until statewide rules implementing statewide health standards under Minnesota Statutes, section 120B.021, subdivision 3, are required to be implemented in the classroom.~~

[NOTE: The 2024 Minnesota legislature enacted this change. Paragraphs B and C are flipped to create alphabetical order.]

- E. "Section 504 Accommodation" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities.

IV. DISTRICT ASSESSMENT COORDINATOR

(_____ *Position Title* _____) shall be named the District Assessment Coordinator. Said person shall be in charge of all test procedures and shall bring recommendations to the school

board annually for approval.

V. ~~GRADUATION ASSESSMENT~~ GRADUATION REQUIREMENTS

A. Graduation Requirements

~~For students enrolled in grade 8 in the 2012-2013 school year and later, s~~

Students' state graduation requirements, based on a longitudinal, systematic approach to student education and career planning, assessment, instructional support, and evaluation, include the following:

1. Achievement and career and college readiness in mathematics, reading, and writing, consistent with paragraph (k) and to the extent available, to monitor students' continuous development of and growth in requisite knowledge and skills; analyze students' progress and performance levels, identifying students' academic strengths and diagnosing areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and, based on analysis of students' progress and performance data, determine students' learning and instructional needs and the instructional tools and best practices that support academic rigor for the student; and

~~Achievement and career and college readiness in mathematics, reading, and writing, as measured against a continuum of empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without the need for postsecondary remediation and which facilitates the monitoring of students' continuous development of and growth in requisite knowledge and skills; analysis of students' progress and performance levels, identification of students' academic strengths and diagnosis of areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and determination of students' learning and instructional needs and the instructional tools and best practices that support academic rigor for the student based on analysis of students' progress and performance data;~~

2. Consistent with this paragraph and Minnesota Statutes, section 120B.125 (see Policy 604, Section II.H.), age-appropriate exploration and planning activities and career assessments to encourage students to identify personally relevant career interests and aptitudes and help students and their families develop a regularly reexamined transition plan for postsecondary education or employment without need for postsecondary remediation.
3. Based on appropriate state guidelines, students with an IEP may satisfy state graduation requirements by achieving an individual score on the state-identified alternative assessments.

B. Targeted Instruction Plan

1. A students meeting the state graduation requirements under this section must receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation.
2. Consistent with Minnesota Statutes, sections [120B.13](#), [124D.09](#), [124D.091](#), [124D.49](#), and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified

~~score or level of proficiency on an assessment under this subdivision to graduate from high school.~~

~~Students meeting the state graduation requirements under this section and who are students in grade 11 or 12 and who are identified as academically ready for a career or college are actively encouraged by the school district to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment to graduate from high school.~~

- ~~3. As appropriate, students through grade 12 must continue to participate in targeted instruction, intervention, or remediation and be encouraged to participate in courses awarding college credit to high school students.~~

[NOTE: The revisions in Paragraphs A and B align the model policy language with Minnesota Statutes 120B.303.]

- ~~C. A student's progress toward career and college readiness must be recorded on the student's high school transcript.~~

VI. GRADUATION CREDIT REQUIREMENTS

~~Students beginning 8th grade in the 2012-2013 school year and later~~ must successfully complete, as determined by the school district, the following high school level credits for graduation:

A. Credit Requirements

- ~~1. Four credits of language arts sufficient to satisfy all academic standards in English language arts;~~

- ~~2. Three credits of mathematics, including an algebra II credit or its equivalent, sufficient to satisfy all of the academic standards in mathematics;~~

- ~~C. An algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade standards in mathematics;~~

- ~~3. Three credits of science, including one credit to satisfy all the earth and space science standards for grades 9 through 12, one credit to satisfy all the life science standards for grades 9 through 12, and one credit to satisfy all the chemistry or physics standards for grades 9 through 12;~~

- ~~4. Three and one-half credits of social studies, encompassing at least United States history, geography, government and citizenship in either grade 11 or 12 for students beginning in grade 9 in the 2025-2026 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship under Minnesota Statutes, section 120B.21, subdivision 1a, and a combination of other credits encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;~~

[NOTE: This revision includes the 2024 change on implementation of the government and citizenship requirement to the 2025-26 school year.]

- ~~5. One credit in the arts sufficient to satisfy all of the state or local academic standards in the arts;~~

- ~~6. Credit sufficient to satisfy the state standards in physical education; and~~

7. A minimum of seven elective credits.
8. Students who begin grade 9 in the 2024-2025 school year and later must successfully complete a course for credit in personal finance in grade 10, 11, or 12. A teacher of a personal finance course that satisfies the graduation requirement must have a field license or out-of-field permission in agricultural education, business, family and consumer science, social studies, or math.

[Note: The revisions above align the policy language with Minnesota law, including changes enacted by the 2024 Minnesota legislature concerning physical education credit and state standards in health. Paragraph 8 was enacted in 2023; it affects students who begin grade 9 in the 2024-25 school year.]

B. Credit equivalencies

1. A one-half credit of economics taught in a school's agricultural, food, and natural resources education or business education program or department may fulfill a one-half credit in social studies under Paragraph D., above, if the credit is sufficient to satisfy all of the academic standards in economics.
2. An agriculture science or career and technical education credit may fulfill the elective science credit required under Paragraph C., above, if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the school district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under Paragraph C., above, if the credit meets the state chemistry or physics academic standards as approved by the school district. A student must satisfy either all of the chemistry ~~or physics~~ academic standards or all of the physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under Paragraph C., above.
3. A career and technical education credit may fulfill a mathematics or arts credit requirement under Paragraph B. or Paragraph E., above.
4. A computer science credit may fulfill a mathematics credit requirement under Paragraph B., above, if the credit meets state academic standards in mathematics.
5. A Project Lead the Way credit may fulfill a mathematics or science credit requirement under Paragraph B. or Paragraph C., above, if the credit meets the state academic standards in mathematics or science.
6. An ethnic studies course may fulfill a social studies, language arts, arts, math, or science credit if the course meets the applicable state academic standards. An ethnic studies course may fulfill an elective credit if the course meets applicable local standards or other requirements.

[Note: The revisions above align the policy language with Minnesota law, including changes enacted by the 2024 Minnesota legislature. Starting in the 2026-27 school year, a high school must offer an ethnic studies course; in elementary and middle schools by the 2027-28 school year.]

VII. GRADUATION STANDARDS REQUIREMENTS

- A. All students must demonstrate their understanding of the following academic standards:
 - 1. School District Standards, Health (K-12);
 - 2. School District Standards, Career and Technical Education (K-12); and
 - 3. School District Standards, World Languages (K-12).
- B. Academic standards in health, world languages, and career and technical education will be reviewed on an annual basis.* A school district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages.

* Reviews are required to be conducted on a periodic basis. Therefore, this time period may be changed to accommodate individual school district needs.
- C. All students must satisfactorily complete the following required Graduation Standards in accordance with the standards developed by the Minnesota Department of Education (MDE):
 - 1. Minnesota Academic Standards, English Language Arts K-12;
 - 2. Minnesota Academic Standards, Mathematics K-12;
 - 3. Minnesota Academic Standards, Science K-12;
 - 4. Minnesota Academic Standards, Social Studies K-12; and
 - 5. Minnesota Academic Standards, Physical Education K-12.
- D. State standards in the Arts K-12 are available, or school districts may choose to develop their own standards.
- E. The academic standards for language arts, mathematics, and science apply to all students except the very few students with extreme cognitive or physical impairments for whom an IEP team has determined that the required academic standards are inappropriate. An IEP team that makes this determination must establish alternative standards.

VIII. EARLY GRADUATION

Students may be considered for early graduation, as provided for within Minnesota Statutes, section 120B.07, upon meeting the following conditions:

- A. All course or standards and credit requirements must be met;
- B. The principal or designee shall conduct an interview with the student and parent or guardian, familiarize the parties with opportunities available in post-secondary education, and arrive at a timely decision; and
- C. The principal's decision shall be in writing and may be subject to review by the superintendent and school board.

Legal References: Minn. Stat. § 120B.018 (Definitions)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota’s Students)
Minn. Stat. § 120B.021 (Required Academic Standards)
Minn. Stat. § 120B.023 (Benchmarks)
Minn. Stat. § 120B.024 (Credits)
Minn. Stat. § 120B.07 (Early Graduation)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness the World’s Best Workforce)
Minn. Stat. § 120B.125 (Planning for Students’ Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
Minn. Stat. § 120B.30 (General Requirements; Statewide Assessments~~Statewide Testing and Reporting System~~)
Minn. Stat. § 120B.303 (Assessment Graduation Requirements)
Minn. Stat. § 120B.307 (College and Career Readiness)
~~Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)~~
Minn. Rules Part 3501.0660 (Academic Standards For Kindergarten through Grade 12)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Part 3501.0820 (Academic Arts Standards for Kindergarten through Grade 12)
Minn. Rules Parts 3501.0900-3501.096055 (Academic Standards in Science)
Minn. Rules Parts 3501.1200-1210 (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 104 (School District Mission Statement)
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
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)

Adopted: _____

MSBA/MASA Model Policy 614

Orig. 1997

Revised: _____

Rev. 2024~~2~~

614 SCHOOL DISTRICT TESTING PLAN AND PROCEDURE

I. PURPOSE

The purpose of this policy is to set forth the school district's testing plan and procedure.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to implement procedures for testing, test security, documentation, and record keeping.

III. DUTIES OF SCHOOL DISTRICT PERSONNEL REGARDING TEST ADMINISTRATION

[NOTE: This listing of school personnel may not be consistent with the personnel in the school district and, consequently, should be amended to reflect the personnel with responsibility for testing in the school district.]

A. Superintendent

1. Responsibilities before testing.
 - a. Designate a district assessment coordinator and district technology coordinator.
 - b. The superintendent, or a designee who has been authorized to be the identified official with authority by the school board, pre-authorizes staff access for applicable Minnesota Department of Education (MDE) secure systems.
 - c. Annually review and recertify staff who have access to MDE secure systems.
 - d. Read and complete the *Assurance of Test Security and Non-Disclosure*.
[NOTE: This form is available on the Minnesota PearsonAccess Next website—see Cross References for website address.]
 - e. Establish a culture of academic integrity.
 - f. Fully cooperate with MDE representatives conducting site visits or Minnesota Test of Academic Skills (MTAS) audits during testing.
 - g. Ensure student information is current and accurate.
 - h. Ensure that a current district test security procedure is in place and that all relevant staff have been provided district training on test administration and test security.
 - i. Ensure that a current process is included for tracking which students tested with which test monitors and any other adult(s) who were present in the testing room (e.g., staff providing assistance, paraprofessionals, etc.).

- j. Confirm the district assessment coordinator has current information and training specific to test security and the administration of statewide assessments.
 - k. Confirm the district assessment coordinator completes Pre-test Editing in the Test Web Edit System (WES).
 - l. Post on the school district website the complete Parent/Guardian Guide and Refusal for Student Participation in Statewide Testing form.
2. Responsibilities after testing.
- a. Confirm the district assessment coordinator and Minnesota Automated Reporting Student System (MARSS) coordinator complete Post-test Editing in Test WES.
 - b. Verify with the district assessment coordinator that all test security issues have been reported to MDE and are being addressed.
 - c. Confirm the MARSS coordinator has updated all student records for Post-test Editing.
 - d. Confirm the district assessment coordinator has finalized the district's assessment information prior to the close of Post-test Editing in Test WES.
 - e. Confirm the district assessment coordinator, or designee, has access to the Graduation Requirements Records (GRR) system and enters necessary information.
 - f. Discuss assessment results with the district assessment coordinator and school administrators.

B. District Assessment Coordinator

1. Responsibilities before testing.
- a. Serve as primary contact with MDE regarding policy and procedure questions related to test administration.
 - b. Read and complete the *Assurance of Test Security and Non-Disclosure*.
 - c. Confirm all staff who handle test materials, administer tests, or have access to secure test content have completed the *Assurance of Test Security and Non-Disclosure*.
 - (1) Maintain the completed *Assurance of Test Security and Non-Disclosure* for two years after the end of the academic school year in which testing took place.
 - d. Review with all staff the *Assurance of Test Security and Non-Disclosure* and their responsibilities thereunder.
 - e. Identify appropriate tests for students and ensure student data sent to service providers for testing are correct.
 - f. Establish district testing schedule within the testing windows specified by the MDE and service providers.
 - g. Prepare testing conditions, including user access to service provider websites, preparing readiness for online testing, preparing a plan for

tracking which students test on which computers or devices, ensure accommodations are indicated as necessary, providing students with opportunity to become familiar with test format, item types, and tools prior to test administration; establishing process for inventorying and distributing secure test materials where necessary; preparing procedures for expected and unexpected situations occurring during testing; planning for addressing technical issues while testing; identify staff who will enter student responses from paper accommodated test materials and scores from MTAS administration online.

h. Train school assessment coordinators, test monitors, MTAS test administrators, and ACCESS (test for English language learners) and Alternate ACCESS test administrators.

(1) Provide training on proper test administration and test security (Pearson's Training Management System).

(2) Verify staff complete any and all test-specific training.

i. Maintain security of test content, test materials, and record of all staff involved.

(1) Receive secure paper test materials from the service provider and immediately lock them in a previously identified secure area, inventory same, and contact service provider with any discrepancies.

(2) Organize secure test materials for online administrations and keep them secure.

(3) Define chain of custody for providing test materials to test monitors and administrators. The chain of custody must address the process for providing test materials on the day of testing, distributing test materials to and collecting test materials from students at the time of testing, keeping test materials secure between testing sessions, and returning test materials after testing is completed.

j. Confirm that all students have appropriate test materials.

2. Responsibilities on testing day(s).

a. Conduct random, unannounced visits to testing rooms to observe staff adherence to test security and policies and procedures.

b. Fully cooperate with MDE representatives conducting site visits or MTAS audits.

c. Contact the MDE assessment contact within 24 hours of a security breach and submit the *Test Security Notification* in Test WES within 48 hours.

d. Address invalidations and test or accountability codes.

3. Responsibilities after testing.

a. Ensure that student responses from paper accommodated test materials and MTAS scores are entered.

b. Arrange for secure disposal of all test materials that are not required to be returned within 48 hours after the close of the testing window.

- c. Return secure test materials as outlined in applicable manuals and resources.
- d. Collect security documents and maintain them for two years from the end of the academic school year in which testing took place.
- e. Review student assessment data and resolve any issues.
- f. Distribute Individual Student Reports no later than fall parent/teacher conferences.
- g. Enter Graduation Requirements Records in the GRR system.

C. School Principal

- 1. Responsibilities before testing.
 - a. Designate a school assessment coordinator and technology coordinator for the building.
 - b. Be knowledgeable about proper test administration and test security as outlined in manuals and directions.
 - c. Read and complete the *Assurance of Test Security and Non-Disclosure*.
 - d. Communicate the importance of test security and expectation that staff will keep test content secure and act with honesty and integrity during test administration.
 - e. Provide adequate secure storage space for secure test materials before, during, and after testing until they are returned to the service provider or securely disposed of.
 - f. Ensure adequate computers and/or devices are available and rooms are appropriately set up for online testing.
 - g. Verify that all test monitors and test administrators receive proper training for test administration.
 - h. Ensure students taking specified tests have opportunity to become familiar with test format, item types, and tools prior to test administration.
 - i. Include the complete Parent/Guardian Guide and Refusal for Student Participation in Statewide Testing form in the student handbook.
- 2. Responsibilities on testing day(s).
 - a. Ensure that test administration policies and procedures and test security requirements in all manuals and directions are followed.
 - b. Fully cooperate with MDE representatives conducting site visits or MTAS audits.
- 3. Responsibilities after testing.
 - a. Ensure all secure test materials are collected, returned, and/or disposed of securely as required in any manual.

- b. Ensure requirements for embargoed final assessment results are followed.

D. School Assessment Coordinator

- 1. Responsibilities before testing.
 - a. Implement test administration and test security policies and procedures.
 - b. Read and complete the *Assurance of Test Security and Non-Disclosure*.
 - c. Ensure all staff who handle test materials, administer tests, or have access to secure test content read and complete the *Assurance of Test Security and Non-Disclosure*.
 - d. Identify appropriate tests for students and ensure student data sent to service providers for testing are correct.
 - e. Prepare testing conditions, including the following: schedule rooms and computer labs; arrange for test monitors and administrators; arrange for additional staff to assist with unexpected situations; arrange for technology staff to assist with technical issues; develop a plan for tracking which students test on which computers or devices; plan seating arrangements for students; ensure preparations are completed for Optional Local Purpose Assessment (OLPA), Minnesota Comprehensive Assessment (MCA), and ACCESS online testing; ensure accommodations are properly reported; confirm how secure paper test materials will arrive and quantities to expect; address accommodations and specific test administration procedures; determine staff who will enter the student responses from paper accommodated test materials and scores from MTAS administrations online.
 - f. Train staff, including all state-provided training materials, policies and procedures, and test-specific training.
 - g. Maintain security of test content and test materials.
 - (1) Receive secure paper test materials from the service provider and immediately lock them in a previously identified secure area, inventory same, and contact service provider with any discrepancies.
 - (2) Organize secure test materials for online administrations and keep them secure.
 - (3) Follow chain of custody for providing test materials to test monitors and administrators. The chain of custody must address the process for providing test materials on the day of testing, distributing test materials to and collecting test materials from students at the time of testing, keeping test materials secure between testing sessions, and returning test materials after testing is completed.
 - (4) Identify need for additional test materials to district assessment coordinator.
 - (5) Provide MTAS student data collection forms if necessary.
 - (6) Distribute applicable ACCESS and Alternate ACCESS *Test Administrator Scripts* and *Test Administration Manuals* to test

administrators so they can become familiar with the script and prepare for test administration.

- (7) Confirm that all students taking ACCESS and Alternate ACCESS have appropriate test materials and preprinted student information on the label is accurate.

2. Responsibilities on testing day(s).

- a. Distribute materials to test monitors and ACCESS test administrators and ensure security of test materials between testing sessions and that district procedures are followed.
- b. Ensure *Test Monitor and Student Directions* and *Test Administrator Scripts* are followed and answer questions regarding same.
- c. Fully cooperate with MDE representatives conducting site visits or MTAS audits, as applicable.
- d. Conduct random, unannounced visits to testing rooms to observe staff adherence to test security and test administration policies and procedures.
- e. Report testing irregularities to district assessment coordinator using the *Test Administration Report*.

[NOTE: This form is available on the Minnesota PearsonAccess Next website—see Cross References for website address.]

- f. Report security breaches to the district assessment coordinator as soon as possible.

3. Responsibilities after testing.

- a. Ensure that all paper test materials are kept locked and secure and security checklists completed.
- b. Ensure that student responses from paper accommodated test materials and MTAS scores are entered.
- c. Arrange for secure disposal of all test materials that are not required to be returned within 48 hours after the close of the testing window.
- d. Return secure test materials as outlined in applicable manuals and resources.
- e. Prepare materials for pickup by designated carrier on designated date(s). Maintain security of all materials.
- f. Ensure requirements for embargoed final assessment results are followed.

E. Technology Coordinator

1. Ensure that district is prepared for online test administration and provide technical support to district staff.
2. Acquire all necessary user identifications and passwords.
3. Read and complete the *Assurance of Test Security and Non-Disclosure*.

4. Fully cooperate with MDE representatives conducting site visits or MTAS audits.
5. Attend district training and any service provider technology training.
6. Review, use, and be familiar with all service provider technical documentation.
7. Prepare computers and devices for online testing.
8. Confirm site readiness.
9. Provide all necessary accessories for testing, technical support/troubleshooting during test administration and contact service provider help desks as needed.

F. Test Monitor

1. Responsibilities before testing.
 - a. Read and complete the *Assurance of Test Security and Non-Disclosure*.
 - b. Attend trainings related to test administration and security.
 - c. Complete required training course(s) for tests administering.
 - d. Be knowledgeable about how to contact the school assessment coordinator during testing, where to pick up materials on day of test, and plan for securing test materials between test sessions.
 - e. Be knowledgeable regarding student accommodations.
 - f. Remove or cover any instructional posters or visual materials in the testing room.
2. Responsibilities on testing day(s).
 - a. Before test.
 - (1) Receive and maintain security of test materials.
 - (2) Verify that all test materials are received.
 - (3) Ensure proper number of computers/devices or paper accommodated test materials are present.
 - (4) Verify student testing tickets and appropriate allowable materials.
 - (5) Assign numbered test books to individual students.
 - (6) Complete information as directed.
 - (7) Record extra test materials.
 - b. During test.
 - (1) Verify that students are logged in and taking the correct test or using the correct grade-level and tier test booklet for students with paper accommodated test materials.
 - (2) Follow all directions and scripts exactly.

(3) Follow procedures for restricting student access to cell phones and other electronic devices, including wearable electronic devices.

(4) Stay in testing room and remain attentive during entire test session. Practice active monitoring by circulating throughout the room during testing.

[NOTE: School districts may allow test monitors to use their cell phones only to alert other staff of issues. If allowed, the school district should train the test monitors on proper and improper use.]

(5) Be knowledgeable about responding to emergency or unusual circumstances and technology issues.

(6) Do not review, discuss, capture, email, post, or share test content in any format.

(7) Ensure all students have been provided the opportunity to independently demonstrate their knowledge.

(8) Fully cooperate with MDE representatives conducting site visits or MTAS audits.

(9) Document the students who tested with the test monitor and any other adult(s) who were present in the testing room (e.g., staff providing assistance, paraprofessionals, etc.).

(10) Document students who require a scribe or translated directions or any unusual circumstances and report to school assessment coordinator.

(11) Report any possible security breaches as soon as possible.

c. After test.

(1) Follow directions and scripts exactly.

(2) Collect all materials and keep secure after each session. Upon completion return to the school assessment coordinator.

(3) Immediately report any missing test materials to the school assessment coordinator.

G. MTAS Test Administrator

1. Before testing.

a. Read and complete the *Assurance of Test Security and Non-Disclosure*.

b. Attend trainings related to test administration and security.

c. Complete required training course(s) for tests administering.

d. Be knowledgeable as to when and where to pick up MTAS materials and the school's plan for keeping test materials secure.

e. Prepare test materials for administration, including objects and manipulatives, special instructions, and specific adaptations for each student.

2. Responsibility on testing day(s).
 - a. Before the test.
 - (1) Maintain security of materials.
 - (2) Confirm appropriate MTAS materials are available and prepared for student.
 - b. During the test.
 - (1) Administer each task to each student and record the score.
 - (2) Be knowledgeable about how to contact the district or school assessment coordinator, if necessary, and responding to emergency and unusual circumstances.
 - (3) Fully cooperate with MDE representatives conducting site visits or MTAS audits.
 - (4) Document and report and unusual circumstances to district or school assessment coordinator.
 - c. After the test.
 - (1) Keep materials secure.
 - (2) Return all materials.
 - (3) Return objects and manipulatives to classroom.
 - (4) Enter MTAS scores online or return data collection forms to the district or school assessment coordinator.

H. MARSS Coordinator

1. Responsibilities before testing.
 - a. Confirm all eligible students have unique state student identification (SSID) or MARSS numbers.
 - b. Ensure English language and special education designations are current and correct for students testing based on those designations.
 - c. Submit MARSS data on an ongoing basis to ensure accurate student demographic and enrollment information.
2. Responsibilities after testing.
 - a. Ensure accurate enrollment of students in schools during the accountability windows.
 - b. Ensure MARSS identifying characteristics are correct, especially for any student not taking an accountability test.
 - c. Work with district assessment coordinator to edit discrepancies during the Post-test Edit window in Test WES.

I. Any Person with Access to Test Materials

Read and complete the *Assurance of Test Security and Non-Disclosure*.

IV. TEST SECURITY

- A. Test Security Procedures will be adopted by school district administration.

[NOTE: This form is available on the Minnesota PearsonAccess Next website—see Cross References for website address.]

- B. Students will be informed of the following:

1. The importance of test security;
2. Expectation that students will keep test content secure;
3. Expectation that students will act with honesty and integrity during test administration;
4. Expectation that students will not access cell phones, wearable technology (e.g., smart watches, fitness trackers), or other devices that can electronically send or receive information. The test of a student who wears a device during testing must be invalidated.

If a student completes testing and then accesses a cell phone or other prohibited device (including wearable technology), the school district must take further action to determine if the test should be invalidated, rather than automatically invalidating the test.

5. Availability of the online Test Security Tip Line on the MDE website for reporting suspected incidents of cheating or other improper or unethical behavior.

- C. Staff will be informed of the following:

1. Availability of the online Test Security Tip Line on the MDE website for reporting suspected incidents of cheating or other improper or unethical behavior.
2. Other contact information and options for reporting security concerns.

V. REQUIRED DOCUMENTATION FOR PROGRAM AUDIT

- A. The school district shall maintain records necessary for program audits conducted by MDE. The records must include documentation consisting of the following:

1. Signed *Assurance of Test Security and Non-Disclosure* forms must be maintained for two years after the end of the academic year in which the testing took place.
2. School district security checklists provided in the test materials shipment must be maintained for two years after the end of the academic school year in which testing took place.
3. School security checklists provided in the test materials shipment must be maintained for two years after the end of the academic school year in which testing took place.
4. Test Monitor Test Materials Security Checklist provided for each group of students assigned to a test monitor must be maintained for two years after the end of the academic school year in which testing took place.
5. School district test monitor tracking documentation must be maintained for two years after the end of the academic year in which the tracking took place.

6. ACCESS and Alternate ACCESS Packing List and Security Checklist provided in the test materials shipment must be maintained for two years after the end of the academic school year in which testing took place.
7. Documentation of school district staff training on test administration and test security must be maintained for two years after the end of the academic school year in which testing took place.
8. *Test Security Notification* must be maintained for two years after the end of the academic school year in which testing took place.
9. *Test Administration Report* must be maintained for one year after the end of the academic school year in which testing took place.
10. Record of staff trainings and test-specific trainings must be maintained for one year after the end of the academic year in which testing took place.

VI. RETALIATION PROHIBITED

An employee who discloses information to the MDE Commissioner or a parent or guardian about service disruptions or technical interruptions related to administering assessments under this section is protected under section 181.932, governing disclosure of information by employees.

[NOTE: The 2024 Minnesota legislature enacted this provision.]

Legal References: Minn. Stat. § 13.34 (Examination Data)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readinessthe World's Best Workforce)
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)
Minn. Stat. § 120B.36, Subd. 2 (School Accountability)
Minn. Rules Parts 3501.~~0640-3501.0660~~55 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.096055 (Academic Standards in Science)
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 601 (School District Curriculum and Instruction Goals)
MSBA/MASA Model Policy 613 (Graduation Requirements)
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)
Minnesota PearsonAccess Next Resources and Forms:
<http://minnesota.pearsonaccessnext.com/policies-and-procedures/>

Adopted: _____

MSBA/MASA Model Policy 615

Orig. 1997

Revised: _____

Rev. 2024~~2~~

615 TESTING ACCOMMODATIONS, MODIFICATIONS, AND EXEMPTIONS FOR IEPs, SECTION 504 PLANS, AND LEP STUDENTS

I. PURPOSE

The purpose of the policy is to provide adequate opportunity for students identified as having individualized education program (IEP), Rehabilitation Act of 1973, Section§ 504 accommodation plan (504 plan), or English Learner (EL) needs to participate in statewide assessment systems designed to hold schools accountable for the academic performance of all students.

II. GENERAL STATEMENT OF POLICY

A. Minnesota Test of Academic Skills (MTAS)

1. The school district will utilize the existing annual review of IEPs or 504 plans to review, on a case-by-case basis, and determine how a student with a disability will participate in statewide testing.
2. Participation decisions will be made separately for mathematics, reading, and science. The assessment options are the Minnesota Comprehensive Assessment (MCA) and the MTAS.
3. Eligibility Requirements
 - a. The following requirements must be met for a student with a significant cognitive disability to be eligible for the MTAS:
 - (1) The IEP team must consider the student’s ability to access the MCA, with or without accommodations;
 - (2) The IEP must review the student’s instructional program to ensure that the student is receiving instruction linked to the general education curriculum to the extent appropriate. If instruction is not linked to the general education curriculum, the IEP team must review the student’s goals and determine how access to the general curriculum will be provided;
 - (3) The IEP team determined the student’s cognitive functioning to be significantly below age expectations. The team also determined that the student’s disability has a significant impact on his or her ability to function in multiple environments, including home, school, and community;
 - (4) The IEP team determined that the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively participate in school, work, home, and community environments;

- (5) The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate measure of the student's academic progress and how the student would participate in statewide testing.
 - b. MTAS participation decisions must not be made on the following factors:
 - (1) Student's disability category;
 - (2) Placement;
 - (3) Participation in a separate, specialized curriculum;
 - (4) An expectation that the student will receive a low score on the MCA;
 - (5) Language, social, cultural, or economic differences;
 - (6) Concern for accountability calculations.
- B. Alternate ACCESS for ELs
 1. The school district will utilize the existing annual review of IEPs or 504 plans to review, on a case-by-case basis, and determine how an identified EL student with a disability will participate in statewide testing.
 2. Eligibility Requirements
 - a. The student must be identified as EL in MARSS in order to take an English language proficiency assessment.
 - b. The student must have a significant cognitive disability. If the student has been identified as eligible to take the MTAS in mathematics, reading, or science, the student meets this criterion.
 - c. For students in grades that the MTAS is not administered:
 - (1) the student must have cognitive functioning significantly below age level;
 - (2) the student's disability must have a significant impact on his or her ability to function in multiple environments, including home, school, and community; and
 - (3) the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively participate in school, work, home, and community environments.
 - d. The IEP team must consider the student's ability to access the ACCESS, with or without accommodations.
 - e. The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate English language proficiency assessment for the student.

3. Alternate ACCESS participation decisions must not be made on the following factors:
 - a. Student’s disability category;
 - b. Participation in a separate, specialized curriculum;
 - c. Current level of English language proficiency;
 - d. The expectation that the student will receive a low score on the ACCESS for ELs;
 - e. Language, social, cultural, or economic differences;
 - f. Concern for accountability calculations.

C. EL Students New to the United States

EL students new to the United States will take all assessments, including all academic assessments (math, reading, and science), as well as the English Language Proficiency Assessment (ACCESS).

III. DEFINITION OF TERMS

See the current “Procedures Manual for the Minnesota Assessments” which is produced by the Minnesota Department of Education and available through minnesota.pearsonaccessnext.com/policies-and-procedures.

IV. GRANTING AND DOCUMENTING ACCOMMODATIONS, MODIFICATIONS, OR EXEMPTIONS FOR TESTING

See Chapter 5 of the current “Procedures Manual for the Minnesota Assessments” and ~~2020-21~~ Guidelines for Administration of Accommodations and Linguistic Supports. http://minnesota.pearsonaccessnext.com/resources/resources-training/manuals/Guidelines%20for%20Accomm_2020-21.pdf

V. RECORDS

All test accommodations, modifications, or exemptions shall be reported to the school district test administrator. The school district test administrator shall be responsible for keeping a list of all such test accommodations, modifications, and exemptions for school district audit purposes. Testing results will be documented and reported.

Legal References:

- Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness—the World’s Best Workforce)
- Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)
- Minn. Stat. § 125A.08 (Individualized Education Programs)
- Minn. Rules Parts 3501.06~~40-3501.0655~~ (Academic Standards for Language Arts)
- Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
- Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)
- Minn. Rules Parts 3501.0900-3501.09~~6055~~ (Academic Standards in Science)
- Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)
Eligibility Requirements for the Minnesota Test of Academic Skills (MTAS)
<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mda2/~edisp/006087.pdf>
Alternate ACCESS for ELLs Participation Guidelines,
<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mdq5/~edisp/049763.pdf>

Cross References: MSBA/MASA Model Policy 104 (School District Mission Statement)
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
MSBA/MASA Model Policy 616 (School District System Accountability)

Adopted: _____

MSBA/MASA Model Policy 616

Orig. 1997

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Rev. 2024~~3~~

616 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY

[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. Model Policies 601, 603, and 616 address these statutory requirements. In addition, Model Policies 613-615 and 617-620 provide procedures to further implement the requirements of Minnesota Statutes, section 120B.11.]

I. PURPOSE

The purpose of this policy is to focus public education strategies on a process that promotes higher academic achievement for all students and ensures broad-based community participation in decisions regarding implementation of the Minnesota K-12 Academic Standards and federal law.

II. GENERAL STATEMENT OF POLICY

Implementation of the Minnesota K-12 Academic Standards and federal law requires accountability for the school district. The school district established a system to transition to the graduation requirements of the Minnesota K-12 Academic Standards. The school district also established a system to review and improve instruction, curriculum, and assessment which will include substantial input by students, parents or guardians, and local community members. The school district will be accountable to the public and the state through annual reporting.

III. DEFINITIONS

- A. "~~Comprehensive achievement and civic readiness~~~~World's best workforce~~" means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school; and prepare students to be lifelong learners.

[NOTE: The 2024 Minnesota legislature revised Minnesota Statutes, section 120B.11, including replacement of the term "world's best workforce" with "comprehensive achievement and civic readiness."]

- B. "Credit" means a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter, as determined by the school district.

IV. ESTABLISHMENT OF GOALS; IMPLEMENTATION; EVALUATION AND REPORTING

A. School District Goals

1. The school board has established school district-wide goals that provide broad direction for the school district. Incorporated in these goals are the graduation and education standards contained in the Minnesota K-12 Academic Standards

and federal law. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the recommendations of the school district's Advisory Committee.

2. The District Advisory Committee created under Policy 603 (Curriculum Development) is established by the school board to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.
3. The school district-wide improvement goals should address recommendations identified through the District Advisory Committee process. The school district's goal setting process will include consideration of individual site goals. School district goals may also be developed through an education effectiveness program, ~~an evaluation of student progress committee,~~ or through some other locally determined process.

- B. System for Reviewing All Instruction and Curriculum. Incorporated in the process will be analysis of the school district's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes, section 123B.147, and teacher evaluations under Minnesota Statutes, section 122A.40 or 122A.41.

[Insert Local Cycle in this space]

- C. Implementation of Graduation Requirements

1. The District Advisory Committee shall also advise the school board on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of the District Advisory Committee shall be published annually to the community. The school board shall receive public input and comment and shall adopt or update this policy at least annually.
2. The school board shall annually review and determine if student achievement levels at each school site meet federal expectations. If the school board determines that student achievement levels at a school site do not meet federal expectations and the site has not made adequate yearly progress for two consecutive school years, the District Advisory Committee shall work with the school site to adopt a plan to raise student achievement levels to meet federal expectations. The District Advisory Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) (Commissioner) in developing a plan which must include parental involvement components.
3. The educational assessment system component utilized by the school board to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of current achievement that show growth relative to an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. The school board will utilize models developed by the Commissioner for measuring individual student progress. The school board must coordinate with MDE in evaluating school sites and continuous improvement plans, consistent with best practices.

D. Comprehensive Continuous Improvement of Student Achievement

1. By [date] of each year, the District Advisory Committee will meet to advise and assist the school district in the implementation of the school district system accountability and comprehensive continuous improvement process.
 2. The District Advisory Committee, working in cooperation with other committees of the school district [*such as the Technology, Educational Effectiveness, Grade Level, Site Instruction, Curriculum and Assessment Committees, etc.*], will provide active community participation in:
 - a. Reviewing the school district instructional and curriculum plan, with emphasis on implementing the Minnesota K-12 Academic Standards;
 - b. Identifying annual instruction and curriculum improvement goals for recommendation to the school board;
 - c. Making recommendations regarding the evaluation process that will be used to measure school district progress toward its goals; and,
 - d. Advising the school board about development of the annual budget.
 3. The District Advisory Committee shall meet the following criteria:
 - a. The District Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
 - b. The District Advisory Committee shall make recommendations to the school board on school district-wide standards, assessments, and program evaluation.
 - c. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the school district improvement plan.
 - d. A local plan to evaluate student progress, using a local process, shall be used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the District Advisory Committee in the instruction and curriculum review process. This plan shall annually be approved by the school board.
45. Translation services should be provided to the extent appropriate and practicable.
56. The District Advisory Committee shall meet the following timeline each year:
- Month: Organizational meeting of the Committee to review the authorizing legislation and the roles and responsibilities of the Committee as determined by the school board.

Month(s): Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.

Month(s): Review evaluation results and prepare recommendations.

Month: Present recommendations to the school board for its input and approval.

- ~~E.~~ Evaluation of Student Progress Committee. A committee of professional staff shall develop a plan for assessment of student progress, the Graduation Standards, as well as program evaluation data for use by the District Advisory Committee to review instruction and curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. This plan shall annually be approved by the school board.

[NOTE: The school board may choose to delete this paragraph regarding an Evaluation of Student Progress Committee upon consultation with school administration.]

~~E.~~ Reporting

1. Consistent with Minnesota Statutes, section 120B.36, subdivision. 1, the school board shall publish a report in the local newspaper with the largest circulation in the district, by mail, or by electronic means on the school district website. The school board shall hold an annual public meeting to review and revise, where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction and cultural competency and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and to review school district success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to comprehensive achievement and civic readiness ~~the world's best workforce~~. The school board must transmit an electronic summary of its report to the Commissioner in the form and manner the Commissioner determines. The school district shall periodically survey affected constituencies in their native languages, where appropriate and practicable, about their connection to and level of satisfaction with school. The school district shall include the results of this evaluation in its published reports and in its summary report to the Commissioner.
2. The school performance report for a school site and a school district must include performance reporting information and calculate proficiency rates as required by the most recently reauthorized Elementary and Secondary Education Act.
3. The school district must annually report the district's class size ratios by each grade to the ~~C~~ommissioner of education in the form and manner specified by the ~~e~~Commissioner.
4. The school district must report whether programs funded with compensatory revenue are consistent with best practices demonstrated to improve student achievement.

Legal References: Minn. Stat. § 120B.018 (Definitions)

Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota’s Students)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness~~the World’s Best Workforce~~)
Minn. Stat. § 120B.35 (Student Academic Achievement and Growth)
Minn. Stat. § 120B.36 (School Accountability)
Minn. Stat. § 122A.40 (Employment; Contracts; Termination)
Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class; Definitions)
Minn. Stat. § 123B.04 (Site Decision Making; Individualized Learning Agreement; Other Agreements)
Minn. Stat. § 123B.147 (Principals)
Minn. Stat. § 126C.12 (Learning and Development Revenue Amount and Use)
Minn. Rules Parts 3501.06~~6040-3501.0655~~ (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.09~~6055~~ (Academic Standards in Science)
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 104 (School District Mission Statement)
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)
MSBA/MASA Model Policy 619 (Staff Development for Standards)
MSBA/MASA Model Policy 620 (Credit for Learning)

Adopted: _____

MSBA/MASA Model Policy 619

Orig. 1998

Revised: _____

Rev. 2024

619 STAFF DEVELOPMENT FOR STANDARDS

I. PURPOSE

The purpose of this policy is to establish opportunities for staff development which advance the staff's ability to work effectively with the Graduation Assessment Requirements and with students as they progress to achievement of those Graduation Assessment Requirements and meet the requirements of federal law.

II. GENERAL STATEMENT OF POLICY

The school district is committed to developing staff policies and processes for continuous improvement of curriculum, instruction, and assessment to ensure effective implementation of the Graduation Assessment Requirements and federal law at all levels.

III. STANDARDS FOR STAFF DEVELOPMENT

- A. The Advisory Committee for Comprehensive Continuous Improvement of Student Achievement (Committee) shall address the needs of all staff in prioritizing staff development which will ensure effective implementation of the Graduation Assessment Requirements and federal law at all levels. The Committee will advise the school board on the planning of staff development opportunities.
- B. The school district shall place a high priority on staff development including activities, programs, and other efforts to implement the Graduation Assessment Requirements effectively and to upgrade that implementation continuously.
- C. Staff development plans for the school district shall address identified needs for Graduation Assessment Requirements implementation throughout all levels of the school district programs.
- D. In service, staff meeting, and district and building level staff development plans and programs shall focus on improving implementation of the Graduation Assessment Requirements at all levels for all students, including those with special needs.

IV. TRAINING AND PROFESSIONAL DEVELOPMENT

A. Paraprofessionals

The school district will provide each paraprofessional who assists a licensed teacher in providing student instruction with initial training. Such training will include training in emergency procedures, confidentiality, vulnerability, reporting obligations, discipline, policies, roles, and responsibilities, and building orientation. Training will be provided within the first 60 days a paraprofessional begins supervising or working with students.

Additionally, with regard to paraprofessionals providing support to special education students, the school district will ensure that annual training opportunities are required to enable the paraprofessional to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, the unique and individual needs of each student according to the student's disability and how the disability affects the student's education and behavior, following lesson plans, and implementing follow-up instructional procedures and activities.

B. Teachers and Administrators

The school district will provide high quality and ongoing professional development activities as required by state and federal laws.

Legal References: Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota’s Students)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness~~the World’s Best Workforce~~)
Minn. Stat. § 120B.363 (Credential for Education Paraprofessionals)
Minn. Stat. § 122A.16 (Qualified Teacher Defined)
Minn. Stat. § 122A.60 (Staff Development Program)
Minn. Rules Parts 3501.06~~6040-3501.0655~~ (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.0960 (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 104 (School District Mission Statement)
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 616 (School District System Accountability)

Adopted: _____

MSBA/MASA Model Policy 620

Orig. 1998

Revised: _____

Rev. 2024~~3~~

620 CREDIT FOR LEARNING

[NOTE: School districts statutorily are required to provide students with credit for approved postsecondary courses, as set forth in Section V.; and accelerated or advanced academic courses offered by a higher education institution or nonprofit public agency, as set forth in Section VII. Additionally, school districts are required by statute to identify whether the school district offers weighted grades and, if it does, identify the courses for which a student may earn a weighted grade (Section VIII). Optional provisions related to awarding credit to students transferring from out-of-state, private, or home schools and the issuance of student grades for purposes of awarding certain honors, as set forth in Section IV., are not required by statute. Therefore, the language contained in Section IV. is suggested language, and a school district may or may not include this section or may modify this section at its discretion.]

I. PURPOSE

This policy recognizes student achievement that occurs in postsecondary enrollment option and other advanced enrichment programs. This policy also recognizes student achievement that occurs in other schools, in alternative learning sites, and in out-of-school experiences such as community organizations, work-based learning, and other educational activities and opportunities. This policy addresses transfer of student credit from out-of-state, private, or home schools and online learning programs and to address how the school district will recognize student achievement obtained outside of the school district.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to provide a process for awarding students credit toward graduation requirements for credits and grades students complete in other schools, postsecondary or higher education institutions, other learning environments, and online courses and programs.

III. DEFINITIONS

- A. "Accredited school" means a school that is accredited by an accrediting agency, recognized according to Minnesota Statutes, section 123B.445 or recognized by the Commissioner of the Minnesota Department of Education (Commissioner).
- B. "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under Minnesota Statutes, section 124D.091.
- C. "Course" means a course or program.
- D. "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

- E. "Nonpublic school" is a private school or home school in which a child is provided instruction in compliance with the Minnesota compulsory attendance laws.
- F. "Weighted grade" is a letter or numerical grade that is assigned a numerical advantage when calculating the grade point average.

IV. TRANSFER OF CREDIT FROM OTHER SCHOOLS

A. Transfer of Academic Requirements from Other Minnesota Public Secondary Schools

- 1. The school district will accept and transfer secondary credits and grades awarded to a student from another Minnesota public secondary school upon presentation of a certified transcript from the transferring public secondary school evidencing the course taken and the grade and credit awarded.
- 2. Credits and grades awarded from another Minnesota public secondary school may be used to compute honor roll and/or class rank if a student has earned at least **[insert number]** credits from the school district.

B. Transfer of Academic Requirements from Other Schools

- 1. The school district will accept secondary credits and grades awarded to a student for courses successfully completed at a public school outside of Minnesota or an accredited nonpublic school upon presentation of a certified transcript from the transferring public school in another state or nonpublic school evidencing the course taken and the grade and credit awarded.
 - a. When a determination is made that the content of the course aligns directly with school district graduation requirements, the student will be awarded commensurate credits and grades.
 - b. Commensurate credits and grades awarded from an accredited nonpublic school or public school in another state may be used to compute honor roll and/or class rank if a student has earned at least **[insert number]** credits from the school district.
 - c. In the event the content of a course taken at an accredited nonpublic school or public school in another state does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements. Credit that does not fully align with the school district's high school graduation requirements will not be used to compute honor roll and/or class rank.
 - d. If no comparable course is offered by the school district for which high school graduation credit would be provided, no credit will be provided to the student.
- 2. Students transferring from a non-accredited, nonpublic school shall receive credit from the school district upon presentation of a transcript or other documentation evidencing the course taken and grade and credit awarded.
 - a. Students will be required to provide copies of course descriptions, syllabi, or work samples for determination of appropriate credit. In addition, students also may be asked to provide interviews/conferences with the student and/or student's parent and/or former administrator or teacher; review of a record of the student's entire curriculum at the nonpublic school; and review of the student's complete record of

academic achievement.

- b. Where the school district determines that a course completed by a student at a non-accredited, nonpublic school is commensurate with school district graduation requirements, credit shall be awarded, but the grade shall be "P" (pass).
 - c. In the event the content of a course taken at an non-accredited, nonpublic school does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements.
 - d. If no comparable course is offered by the school district for which local high school graduation credit would be provided, no credit will be provided to the student.
 - e. Credit and grades earned from a non-accredited nonpublic school shall not be used to compute honor roll and/or class rank.
- C. A student must provide the school with a copy of the student's grades in each course taken for secondary credit under this policy, including interim or nonfinal grades earned during the academic term.

V. POSTSECONDARY ENROLLMENT CREDIT

- A. A student who satisfactorily completes a postsecondary enrollment options course or program under Minnesota Statutes, section 124D.09 that has been approved as meeting the necessary requirements is not required to complete other requirements of the academic standards corresponding to that specific rigorous course of study.
- B. Secondary credits granted to a student through a postsecondary enrollment options course or program must be counted toward the graduation requirements and subject area requirements of the district.
 - 1. Course credit will be considered by the school district only upon presentation of a certified transcript from an eligible institution evidencing the course taken and the grade and credit awarded.
 - 2. Seven quarter or four semester postsecondary credits shall equal at least one full year of high school credit. Fewer postsecondary credits may be prorated.
 - 3. When a determination is made that the content of the postsecondary course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
 - 4. In the event the content of the postsecondary course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
 - 5. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner, who shall determine the number of credits that shall be granted to a student.

6. When secondary credit is granted for postsecondary credits taken by a student, the school district will record those credits on the student's transcript as credits earned at a postsecondary institution.
- C. A list of the courses or programs meeting the necessary requirements may be obtained from the school district.
- D. By the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year, the school district must provide up-to-date information on the district's website and in materials that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the school district in planning, a pupil must inform the district by October 30 or May 30 of each year of the pupil's intent to enroll in postsecondary courses during the following school-year academic term. A pupil is bound by notifying or not notifying the district by October 30 or May 30.

[NOTE: Because the 2024 Minnesota legislature amended the last two sentences, MSBA decided to add this language to this model policy.]

- E. Postsecondary institutions must notify a pupil's school as soon as practicable if the pupil withdraws from the enrolled course. The institution must also notify the pupil's school as soon as practicable if the pupil has been absent from a course for ten consecutive days on which classes are held, based on the postsecondary institution's academic calendar, and the pupil is not receiving instruction in their home or hospital or other facility.

[NOTE: The 2024 Minnesota legislature enacted this provision.]

VI. CREDIT FOR EMPLOYMENT WITH HEALTH CARE PROVIDERS

Consistent with the career and technical pathways program, a student in grade 11 or 12 who is employed by an institutional long-term care or licensed assisted living facility, a home and community-based services and supports provider, a hospital or health system clinic, or a child care center may earn up to two elective credits each year toward graduation under Minnesota Statutes, section 120B.024, subdivision 1, paragraph (a), clause (7), at the discretion of the enrolling school district. A student may earn one elective credit for every 350 hours worked, including hours worked during the summer. A student who is employed by an eligible employer must submit an application, in the form or manner required by the school district, for elective credit to the school district in order to receive elective credit. The school district must verify the hours worked with the employer before awarding elective credit.

VII. ADVANCED ACADEMIC CREDIT

- A. The school district will grant academic credit to a student attending an accelerated or advanced academic course offered by a higher education institution or a nonprofit public agency, other than the school district.
- B. Course credit will be considered only upon official documentation from the higher education institution or nonprofit public agency that the student successfully completed the course attended and passed an examination approved by the school district.
- C. When a determination is made that the content of the advanced academic course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.

- D. In the event the content of the advanced academic course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
- E. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner and request a determination of the number of credits that shall be granted to a student.

VIII. WEIGHTED GRADES

[NOTE: School districts must identify in policy whether they offer courses with weighted grades. Therefore, school districts must include one of the following options in their policies. A school board must adopt an identical policy regarding weighted grade point averages for credits earned via postsecondary coursework as it gives to credits earned via concurrent enrollment coursework.]

- A. The school district does not offer weighted grades.

[or]

- A. The school district offers weighted grades for courses that are identified as more rigorous or academically challenging as follows:

[List the types of courses that will be awarded weighted grades and the multiplier, similar to the following examples.]

1. A grade awarded in an Advanced Placement course will be multiplied by a factor of ____ (i.e., 1.07).
2. A grade awarded in an Honors course will be multiplied by a factor of ____.
3. A grade awarded in a College In the Schools course will be multiplied by a factor of ____.
4. A grade awarded in a course taken through a Postsecondary Enrollment Options program will be multiplied by a factor of ____.
5. A grade awarded in a course in a dual enrollment course will be multiplied by a factor of ____.

- B. The school district will update its website prior to the beginning of each school year with a listing of the courses for which a student may earn a weighted grade.

IX. PROCESS FOR AWARDING CREDIT

- A. The building principal will be responsible for carrying out the process to award credits and grades pursuant to this policy. The building principal will notify students in writing of the decision as to how credits and grades will be awarded.
- B. A student or the student's parent or guardian may seek reconsideration of the decision by the building principal as to credits and/or grades awarded upon request of a student or the student's parent or guardian if the request is made in writing to the superintendent within five school days of the date of the building principal's decision. The request should set forth the credit and/or grade requested and the reason(s) why credit(s)/grade(s) should be provided as requested. Any pertinent documentation in support of the request should be submitted.
- C. The decision of the superintendent as to the award of credits or grades shall be a final decision by the school district and shall not be appealable by the student or student's

parent or guardian except as set forth in Section IX.D. below.

- D. If a student disputes the number of credits granted by the school district for a particular postsecondary enrollment course, or advanced academic credit course, the student may appeal the school district's decision to the Commissioner. The decision of the Commissioner shall be final.
- E. At any time during the process, the building principal or superintendent may ask for course descriptions, syllabi, or work samples from a course where content of the course is in question for purposes of determining alignment with graduation requirements or the number of credits to be granted. Students will not be provided credit until requested documentation is available for review, if requested.

Legal References: Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)
Minn. Stat. § 120B.021 (Required Academic Standards)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement [Goals](#); Striving for [Comprehensive Achievement and Civic Readiness](#) ~~the World's Best Workforce~~)
Minn. Stat. § 120B.14 (Advanced Academic Credit)
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 123B.445 (Nonpublic Education Council)
Minn. Stat. § 124D.03, Subd. 9 (Enrollment Options Program)
Minn. Stat. § 124D.09 (Postsecondary Enrollment Options Act)
Minn. Stat. § 124D.094 (Online Instruction Act)
Minn. Rules Parts 3501.06~~6040~~-3501.0655 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.0960 (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)

Cross References: MSBA/MASA Model Policy 104 (School District Mission Statement)
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
MSBA/MASA Model Policy 616 (School District System Accountability)
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)
MSBA/MASA Model Policy 624 (Online Instruction)

Adopted: _____

MSBA/MASA Model Policy 624

Orig. 2023

Revised: _____

Rev. 2024

624 ONLINE INSTRUCTION

[NOTE: In 2023, the Minnesota Legislature repealed the Online Learning Option Act (Minnesota Statutes, section 124D.095) and replaced it with the Online Instruction Act (Minnesota Statutes, section 124D.094). This policy fully replaces the old Model Policy 624].

I. PURPOSE

The purpose of this policy is to recognize and govern online instruction options of students enrolled in the school district for purposes of compulsory attendance and address enrollment of students with an online instruction site for supplemental or full-time online learning.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall not prohibit an enrolled student from applying to enroll in online instruction.
- B. The school district shall grant academic credit for completing the requirements of an online instruction course or program.

III. DEFINITIONS

- A. "Blended instruction" means a form of digital instruction that occurs when a student learns part time in a supervised physical setting and part time through online instruction under paragraph (E).
- B. "Digital instruction" means instruction facilitated by technology that offers students an element of control over the time, place, path, or pace of learning and includes blended and online instruction.
- C. "Enrolling district" means the school district in which a student is enrolled under Minnesota Statutes, section 120A.22, subdivision 4.
- D. "Online course syllabus" means a written document that identifies the state academic standards taught and assessed in a supplemental online course under paragraph (I); course content outline; required course assessments; instructional methods; communication procedures with students, guardians, and the enrolling district under paragraph (C); and supports available to the student.
- E. "Online instruction" means a form of digital instruction that occurs when a student learns primarily through digital technology away from a supervised physical setting.
- F. "Online instructional site" means a site that offers courses using online instruction under paragraph (E) and may enroll students receiving online instruction under paragraph (E).
- G. "Online teacher" means an employee of the enrolling district under paragraph (C) or the supplemental online course provider under paragraph (J) who holds the appropriate

licensure under Minnesota Rules, chapter 8710, and is trained to provide online instruction under paragraph (E).

- H. "Student" means a Minnesota resident enrolled in a school defined under Minnesota Statutes, section 120A.22, subdivision 4, in kindergarten through grade 12 up to the age of 21.
- I. "Supplemental online course" means an online learning course taken in place of a course provided by the student's enrolling district under paragraph (C).
- J. "Supplemental online course provider" means a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that is authorized by the Minnesota Department of Education (MDE) to provide supplemental online courses under paragraph (I).

IV. DIGITAL INSTRUCTION

- A. An enrolling district may provide digital instruction, including blended instruction and online instruction, to the district's own enrolled students. Enrolling districts may establish agreements to provide digital instruction, including blended instruction and online instruction, to students enrolled in the cooperating schools.
- B. When online instruction is provided, an online teacher shall perform all duties of teacher of record under Minnesota Rules, part 8710.0310. Unless the Commissioner of MDE grants a waiver, a teacher providing online instruction shall not instruct more than 40 students in any one online learning course or section.
- C. Students receiving online instruction full time shall be reported as enrolled in an online instructional site.
- D. Curriculum used for digital instruction shall be aligned with Minnesota's current academic standards and benchmarks.
- E. Digital instruction shall be accessible to students under sections 504 and 508 of the federal Rehabilitation Act and Title II of the federal Americans with Disabilities Act.
- F. An enrolling district providing digital instruction and a supplemental online course provider shall assist an enrolled student whose family qualifies for the education tax credit under Minnesota Statutes, section 290.0674 to acquire computer hardware and educational software so they may participate in digital instruction. Funds provided to a family to support digital instruction or supplemental online courses may only be used for qualifying expenses as determined by the provider. Nonconsumable materials purchased with public education funds remain the property of the provider. Records for any funds provided must be available for review by the public or MDE.
- G. An enrolling district providing digital instruction shall establish and document procedures for determining attendance for membership and keep accurate records of daily attendance under Minnesota Statutes, section 120A.21.

V. SUPPLEMENTAL ONLINE COURSES

- A. Notwithstanding Minnesota Statutes, sections 124D.03 and 124D.08 and Minnesota Statutes, chapter 124E, procedures for applying to take supplemental online courses

other than those offered by the student's enrolling district are as provided in this subdivision.

- B. Any kindergarten through grade 12 student may apply to take a supplemental online course. The student, or the student's parent or guardian for a student under age 17, must submit an application for the proposed supplemental online course or courses. A student may:
1. apply to take an online course from a supplemental online course provider that meets or exceeds the academic standards of the course in the enrolling district they are replacing;
 2. apply to take supplemental online courses for up to 50 percent of the student's scheduled course load; ~~and~~
 3. apply to take supplemental online courses no later than 15 school days after the student's enrolling district's term has begun. An enrolling district may waive the 50 percent course enrollment limit or the 15-day time limit; ~~and.~~
 4. enroll in additional courses with the online learning provider under a separate agreement that includes terms for paying any tuition or course fees.

[NOTE: The 2024 Minnesota legislature added this provision.]

- C. A student taking a supplemental online course must have the same access to the computer hardware and education software available in a school as all other students in the enrolling district.
- D. A supplemental online course provider must have a current, approved application to be listed by MDE as an approved provider. The supplemental online course provider must:
1. use an application form specified by MDE;
 2. notify the student, the student's guardian if they are age 17 or younger, and enrolling district of the accepted application to take a supplemental online course within ten days of receiving a completed application;
 3. notify the enrolling district of the course title, credits to be awarded, and the start date of the online course. A supplemental online course provider must make the online course syllabus available to the enrolling district;
 4. request applicable academic support information for the student, including a copy of the IEP, EL support plan, or 504 plan; and
 5. track student attendance and monitor academic progress and communicate with the student, the student's guardian if they are age 17 or younger, and the enrolling district's designated online learning liaison.
- E. A supplemental online course provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications. The provisions may not discriminate against any protected class or students with disabilities.
- F. A supplemental online course provider may request that MDE review an enrolling

district's written decision to not accept a student's supplemental online course application. The student may participate in the supplemental online course while the application is under review. Decisions shall be final and binding for both the enrolling district and the supplemental online course provider.

- G. A supplemental online course provider must participate in continuous improvement cycles with MDE.

VI. ENROLLING DISTRICT

- A. An enrolling district may not restrict or prevent a student from applying to take supplemental online courses.
- B. An enrolling district may request an online course syllabus to review whether the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district.
- C. Within 15 days after receiving notice of a student applying to take a supplemental online course, the enrolling district must notify the supplemental online course provider whether the student, the student's guardian, and the enrolling district agree that academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district. If the enrolling district does not agree that the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district, then:
 - 1. the enrolling district must provide a written explanation of the district's decision to the student, the student's guardian, and the supplemental online course provider; and
 - 2. the online provider must provide a response to the enrolling district explaining how the course or program meets the graduation requirements of the enrolling district.
- D. An enrolling district may reduce the course schedule of a student taking supplemental online courses in proportion to the number of supplemental online learning courses the student takes.
- E. An enrolling district must appoint an online learning liaison who:
 - 1. provides information to students and families about supplemental online courses;
 - 2. provides academic support information including IEPs, EL support plans, and 504 plans to supplemental online providers; and
 - 3. monitors attendance and academic progress, and communicates with supplemental online learning providers, students, families, and enrolling district staff.
- F. An enrolling district must continue to provide support services to students taking supplemental online courses as they would for any other enrolled student including support for English learners, case management of an individualized education program, and meal and nutrition services for eligible students.
- G. An online learning student must receive academic credit for completing the requirements

of a supplemental online learning course. If a student completes an online learning course that meets or exceeds a graduation standard or the grade progression requirement at the enrolling district, that standard or requirement is met.

- H. Secondary credits granted to a supplemental online learning student count toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including students taking supplemental online courses.
- I. An enrolling district must provide access to extracurricular activities for students taking supplemental online courses on the same basis as any other enrolled student.

VII. REPORTING

Courses that include blended instruction and online instruction must be reported in the manner determined by the Commissioner of MDE.

LEGAL REFERENCES:

Minn. Stat. § 120A.21 (Enrollment of a Student in Foster Care)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 124D.03 (Enrollment Options Act)
Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident District; Exceptions)
Minn. Stat. § 124D.094 (Online Instruction Act)
~~Minn. Stat. Ch. 124E (Charter Schools)~~
Minn. Rules Ch. 8710 (Teacher and Other School Professional Licensing)

CROSS REFERENCES:

MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 620 (Credit for Learning)

Adopted: _____

MSBA/MASA Model Policy 707

Orig. 1995

Revised: _____

Rev. 2024~~2~~

707 TRANSPORTATION OF PUBLIC SCHOOL STUDENTS

[NOTE: The obligations stated in this policy are largely governed by statute. A school district may choose to add obligations to the model policy.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. "Child with a disability" includes every child identified under federal and state special education law as deaf or hard of hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Education ("Commissioner"). A licensed physician, an advanced practice nurse, a physician assistant, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. In addition, every child under age three, and at the school district's discretion from age three to seven, who needs special instruction and services, as determined by the rules of the Commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability.
- B. "Home" is the legal residence of the child. In the discretion of the school district, "home" also may be defined as a licensed day care facility, school day care facility, a respite care facility, the residence of a relative, or the residence of a person chosen by the student's parent or guardian as the home of a student for part or all of the day, if requested by the student's parent or guardian, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program is within the attendance area of the school the student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the school district if enrolled in the school district.
- C. "Homeless student" means a student, including a migratory student, who lacks a fixed,

regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances.

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

IV. ELIGIBILITY

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

[NOTE: In this section, school districts may wish to outline those discretionary areas where they intend to provide transportation. For example, some school districts may provide that transportation shall be provided for all resident elementary students who reside one mile or more from the school.]

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

V. TRANSPORTATION OF NONRESIDENT STUDENTS

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

VI. TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT SCHOOLS

- A. In general, the school district shall not provide transportation between a resident student's home and the border of a nonresident district where the student attends school under the Enrollment Options Program. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the student is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week. (~~Minn. Stat. §~~Minnesota Statutes, section 124D.03, ~~subdivision~~Subd. 8).
- B. Resident students shall be eligible for transportation to and from a nonresident school district at the expense of the school district, if in the discretion of the school district, inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in the resident student's own district unreasonably difficult

or impracticable. The school district, in its discretion, may also provide for transportation of resident students to schools in other districts for grades and departments not maintained in the district, including high school, for the whole or a part of the year or for resident students who attend school in a building rented or leased by the school district in an adjacent district.

- C. In general, the school district is not responsible for transportation for any resident student attending school in an adjoining state under a reciprocity agreement but may provide such transportation services at its discretion.

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

- A. Upon a request of a parent or guardian, the board must provide necessary transportation, consistent with Minnesota Statutes, section 123B.92, subdivision 1(b)(4), for a resident child with a disability not yet enrolled in kindergarten for the provision of special instruction and services. Special instruction and services for a child with a disability not yet enrolled in kindergarten include an individualized education program (IEP) team placement in an early childhood program when that placement is necessary to address the child's level of functioning and needs.
- B. Resident students with a disability whose disabling conditions are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the school district or the day training and habilitation program attended by the student. The school district shall determine the type of vehicle used to transport students with a disability on the basis of the disabling condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with the school district.
- C. Resident students with a disability who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the school district, shall be provided transportation, by the school district to and from said board and lodging facilities, at the expense of the school district.
- D. If a resident student with a disability attends a public school located in a contiguous school district and the school district of attendance does not provide special instruction and services, the school district shall provide necessary transportation for the student between the school district boundary and the educational facility where special instruction and services are provided within the school district. The school district may provide necessary transportation of the student between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the school district boundary.
- E. When a student with a disability or a student with a short-term or temporary disability is temporarily placed for care and treatment in a day program located in another school district and the student continues to live within the school district during the care and treatment, the school district shall provide the transportation, at the expense of the school district, to that student. The school district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the school district receives a copy of the order, then the school district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the school district during regular operating hours of the school district.

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

VIII. HOMELESS STUDENTS

- A. Homeless students shall be provided with transportation services comparable to other students in the school district.
- B. Upon request by the student's parent, guardian, or homeless education liaison, the school district shall provide transportation for a homeless student as follows:
 - 1. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements within the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district.
 - 2. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district, unless the school district and the school district in which the student is temporarily placed agree that the school district in which the student is temporarily placed shall provide transportation.
 - 3. If a nonresident student is homeless and is residing in a public or private homeless shelter or has other non-shelter living arrangements within the school district, the school district may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of the school district upon agreement with the school district in which the school of origin is located.
 - 4. A homeless nonresident student enrolled under Minnesota Statutes section 124D.08, subdivision 2a, must be provided transportation from the student's district of residence to and from the school of enrollment.

IX. AVAILABILITY OF SERVICES

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

X. MANNER OF TRANSPORTATION

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

XI. RESTRICTIONS

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

XII. FEES

- A. In its discretion, the school district may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional.
- B. The school district may charge fees for transportation of students to and from school when authorized by law. If the school district charges fees for transportation of students to and from school, guidelines shall be established for that transportation to ensure that no student is denied transportation solely because of inability to pay. The school district also may waive fees for transportation if the student's parent is serving in, or within the past year has served in, active military service as defined in Minnesota Statutes section 190.05.
- C. The school district may charge reasonable fees for transportation of students to and from post-secondary institutions for students enrolled under the post-secondary enrollment options program. Families who qualify for mileage reimbursement may use their state mileage reimbursement to pay this fee
- D. Where, in its discretion, the school district provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, the school district may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs.

Legal References: Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

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

Cross References:

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

Adopted: _____

MSBA/MASA Model Policy 708

Orig. 1995

Revised: _____

Rev. 2024

708 TRANSPORTATION OF NONPUBLIC SCHOOL STUDENTS

[NOTE: The obligations stated in this policy are largely governed by statute. A school district may choose to add obligations to the model policy.]

I. PURPOSE

The purpose of this policy is to address transportation rights of nonpublic school students and to provide equality of treatment in transporting such students pursuant to law.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to recognize the rights of nonpublic school students and to provide equal transportation to those students as required by law.

III. ELIGIBILITY

- A. The school district shall provide equal transportation within the district for all students to any school when transportation is deemed necessary by the school district because of distance or traffic conditions in like manner and form as provided in Minnesota Statutes, sections 123B.88 and 123B.92 when applicable.
- B. Upon the request of a parent or guardian, the school district must provide school bus transportation to the school district boundary for students residing in the school district at least the same distance from a nonpublic school actually attended in another school district as public school students are transported in the transporting school district. Such transportation must be provided whether or not there is another nonpublic school within the transporting school district, if the transportation is to schools maintaining grades or departments not maintained in the school district or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means.
- C. The school district may provide school bus transportation to a nonpublic school in another school district for students residing in the school district and attending that school, whether there is or is not another nonpublic school within the transporting school district, if the transportation is to schools maintaining grades or departments not maintained in the school district or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means. If the school district transports students to a nonpublic school located in another school district, the nonpublic school ~~must~~ shall pay the cost of such transportation provided outside the school district boundaries.
- D. The school district must provide the necessary transportation within school district boundaries between the nonpublic school and a public school or neutral site for nonpublic school students who are provided pupil support services if the school district elects to provide pupil support services at a site other than a nonpublic school.
- E. When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of students, and any other matter relating thereto shall be within the sole discretion, control, and management of the school district. A nonpublic or charter school student transported by the school district shall comply with

school district student bus conduct and student bus discipline policies.

- F. The school board and a nonpublic school may mutually agree to a written plan for the board to provide nonpublic pupil transportation to nonpublic school students. The school district must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred in the form and manner specified by the Minnesota Commissioner of Education.
- G. If the school board provides pupil transportation through the school's employees, the school board may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under Minnesota Statutes, sections 123B.84 to 123B.87.
- H. A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for the purposes of paying the school bus contractor. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under Minnesota Statutes, sections 123B.84 to 123B.87.
- I. Additional transportation to and from a nonpublic school may be provided at the expense of the school district when such services are provided in the discretion of the school district.

IV. STUDENTS WITH DISABILITIES

- A. If a resident student with a disability attends a nonpublic school located within the school district, the school district must provide necessary transportation for the student within the school district between the nonpublic school and the educational facility where special instruction and services are provided on a shared-time basis. If a resident student with a disability attends a nonpublic school located in another school district and if no agreement exists for the provision of special instruction and services on a shared time basis to that student by the school district of attendance and where the special instruction and services are provided within the school district, the school district ~~must~~ provide necessary transportation for that student between the school district boundary and the educational facility. The school district may provide necessary transportation for that student between its boundary and the nonpublic school attended, but the nonpublic school ~~shall~~ pay the cost of transportation provided outside the school district boundary. School districts may make agreements for who provides transportation. Parties serving students on a shared time basis have access to a due process hearing system as provided by law.
- B. When the disabling conditions of a student with a disability are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program, the student shall be entitled to special transportation at the expense of the school district or the day training and habilitation program attended by the student. The school district shall determine the type of vehicle used to transport students with a disability on the basis of the disabling conditions and applicable laws. This section shall not be applicable to parents who transport their own child under a contract with the school district.

- C. Each driver and aide assigned to a vehicle transporting students with a disability must (1) be instructed in basic first aid and procedures for the students under their care; (2) within one month after the effective date of assignment, participate in a program of in-service training on the proper methods of dealing with the specific needs and problems of students with disabilities; (3) assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and (4) ensure that proper safety devices are in use and fastened properly.
- D. Each driver and aide assigned to a vehicle transporting students with a disability shall have available to them the following information in hard copy or immediately accessible through a two-way communication system: (1) the student's name and address; (2) the nature of the student's disabilities; (3) emergency health care information; and (4) the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.
- E. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the due process procedures provided for in Minnesota Statutes chapter 125A.

V. APPLICATION OF GENERAL POLICY

The provisions of the school district's policy on transportation of public school students [*Model Policy 707*] shall apply to the transportation of nonpublic school students except as specifically provided herein.

Legal References:

- Minn. Stat. § 123B.44 (Provision of Pupil Support Services)
- Minn. Stat. § 123B.84 (Policy)
- Minn. Stat. § 123B.86 (Equal Treatment)
- Minn. Stat. § 123B.88 (Independent School Districts, Transportation)
- Minn. Stat. § 123B.91, Subd. 1a (School District Bus Safety Requirements)
- Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
- Minn. Stat. Ch. 125A (Special Education and Special Programs)
- Minn. Stat. § 125A.18 (Special Instruction; Nonpublic Schools)
- Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)
- Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disability)
- Americans United, Inc. as Protestants and Other Am. United for Separation of Church and State, et al. v. Independent Sch. Dist. No. 622, et al.*, 288 Minn. 1996, 179 N.W.2d 146 (Minn. 1970)
- Eldredge v. Independent Sch. Dist. No. 625*, 422 N.W.2d 319 (Minn. Ct. App. 1988)
- Healy v. Independent Sch. Dist. No. 625*, 962 F.2d 1304 (8th Cir. 1992)
- Minn. Op. Atty. Gen. 166a-7 (June 3, 1983)
- Minn. Op. Atty. Gen. 166a-7 (Sept. 14, 1981)
- Minn. Op. Atty. Gen. 166a-7 (July 15, 1976)
- Minn. Op. Atty. Gen. 166a-7 (July 17, 1970)
- Minn. Op. Atty. Gen. 166a-7 (Oct. 3, 1969)
- Minn. Op. Atty. Gen. 166a-7 (Sept. 12, 1969)

Cross References:

- MSBA/MASA Model Policy 707 (Transportation of Public School Students)
- MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

Adopted: _____

MSBA/MASA Model Policy 709

Orig. 1995

Revised: _____

Rev. 2024

709 STUDENT TRANSPORTATION SAFETY POLICY

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

I. PURPOSE

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

II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. School Bus Safety Week

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

B. Student School Bus Safety Training

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

4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minnesota Statutes, section 169.446, subdivision 2.
5. The school district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
7. The school district may provide kindergarten students with school bus safety training before the first day of school.
8. The school district shall adopt and make available for public review a curriculum for transportation safety education.
9. Nonpublic school students transported by the school district will receive school bus safety training by their nonpublic school. The nonpublic schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the nonpublic school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.

C. Active Transportation Safety Training

1. Training required

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

[NOTE: The 2024 Minnesota legislature enacted this provision.]

2. Deadlines.

- a. Students under subdivision 1, paragraph (a), who are enrolled during the first or second week of school and have not previously received active

transportation safety training specified in that paragraph must receive the safety training by the end of the third week of school.

- b. Students under subdivision 1, paragraph (b), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the sixth week of school.
 - c. Students under subdivision 1, paragraph (a) or (b), who enroll in a school after the second week of school and have not received the appropriate active transportation safety training in their previous school district must undergo the training or receive active transportation safety instructional materials within four weeks of the first day of attendance.
 - d. The school district and a nonpublic school may provide kindergarten pupils with active transportation safety training before the first day of school.
3. Instruction
- a. The school district may provide active transportation safety training through distance learning.
 - b. The district and a nonpublic school must make reasonable accommodations for the active transportation safety training of pupils known to speak English as a second language and pupils with disabilities.

III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

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

1. School Bus and Bus Stop Rules

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

2. Rules at the Bus Stop

- a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
- b. Respect the property of others while waiting at your bus stop.
- c. Keep your arms, legs, and belongings to yourself.
- d. Use appropriate language.

- e. Stay away from the street, road, or highway when waiting for the bus.
 - f. Wait until the bus stops before approaching the bus.
 - g. After getting off the bus, move away from the bus.
 - h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
 - i. No fighting, harassment, intimidation, or horseplay.
 - j. No use of alcohol, tobacco, or drugs.
3. Rules on the Bus

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

4. Consequences

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

(1) Elementary (K-6)

1st offense – warning

2nd offense – 3 school-day suspension from riding the bus

3rd offense – 5 school-day suspension from riding the bus

4th offense – 10 school-day suspension from riding the bus/meeting with parent

Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

(2) Secondary (7-12)

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

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

(3) Other Discipline

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

(4) Records

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

(5) Vandalism/Bus Damage

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

(6) Notice

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

(7) Criminal Conduct

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

IV. PARENT AND GUARDIAN INVOLVEMENT

A. Parent and Guardian Notification

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

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

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

V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.
- B. The school district shall conduct mandatory drug and alcohol testing of all school district bus drivers and bus driver applicants in accordance with state and federal law and school district policy.
- C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:
 1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
 2. reckless driving;
 3. improper or erratic traffic lane changes;
 4. following the vehicle ahead too closely;

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

VI. SCHOOL BUS DRIVER TRAINING

A. Training

1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification.

The school district shall retain on file an annual individual school bus driver "evaluation certification" form for each school district driver as contained in the Model School Bus Driver Training Manual.

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

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

B. Evaluation

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

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

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

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

VII. OPERATING RULES AND PROCEDURES

A. General Operating Rules

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

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

2. Only students assigned to the school bus by the school district shall be transported. The number of students or other authorized passengers

transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.

3. The parent/guardian may designate, pursuant to school district policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

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

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

B. Type III Vehicles

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

A, B, C, or D bus.

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

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

1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
 - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.
 - b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
 - (1) safe operation of a type III vehicle;
 - (2) understanding student behavior, including issues relating to students with disabilities;
 - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
 - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
 - (5) handling emergency situations;
 - (6) proper use of seat belts and child safety restraints;
 - (7) performance of pretrip vehicle inspections;
 - (8) safe loading and unloading of students, including, but not limited to:
 - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
 - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
 - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
 - (d) placing the type III vehicle in "park" during loading and unloading;
 - (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

- (9) compliance with paragraph V.F. concerning reporting convictions to the employer within 10 days of the date of conviction.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minnesota Statutes, section 122A.18, subdivision 8, or Minnesota Statutes, section 123B.03 for school district employees; Minnesota Statutes, section 144.057 or Minnesota Statutes, chapter 245C for day care employees; or Minnesota Statutes, section 171.321, subdivision 3, for all other persons operating a type III vehicle under this section.
 - d. Operators shall submit to a physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
 - e. The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under Minnesota Statutes, section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.
 - f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by Minnesota Statutes, section 171.321, subdivision 5.
 - g. A person who sustains a conviction, as defined under Minnesota Statutes, 609.02, of violating Minnesota Statutes, section 169A.25, 169A.26, 169A.27 (driving while impaired offenses), or 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minnesota Statutes, sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for 5 years from the date of conviction.
 - h. A person who has ever been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215, subdivision 1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
 - i. A person who sustains a conviction, as defined under Minnesota Statutes, section 609.02, of a moving offense in violation of Minnesota Statutes, chapter 169 within 3 years of the first of 3 other moving offenses is precluded from operating a type III vehicle for 1 year from the date of the last conviction.
 - j. Students riding the type III vehicle must have training required under Minnesota Statutes, section 123B.90, Subd. 2 (See Section II.B., above).
 - k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section

is responsible for maintaining these files for inspection.

2. The Type III vehicle must bear a current certificate of inspection issued under Minnesota Statutes, section 169.451.
3. An employee of the school district who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the school district, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.

D. Type A-I "Activity" Buses Driven by Employees with a Driver's License Without a School Bus Endorsement

1. The holder of a Class D driver's license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
 - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
 - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
 - c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
 - d. The operator has submitted to a background check and physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
 - e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minnesota Statutes, section 171.02, subdivisions 2a(h) - 2a(j).
 - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
 - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
3. A school bus operated under this section must bear a current certificate of inspection.
4. The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this section.

VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES

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

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

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

IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS

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

X. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The school board has designated an individual to serve as the school district's school transportation safety director. The school transportation safety director shall have day-to-day

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

XI. STUDENT TRANSPORTATION SAFETY COMMITTEE

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

Legal References: Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)
Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. § 123B.42 (Textbooks; Individual Instruction or Cooperative Learning Material; Standard Tests)
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)
Minn. Stat. § 123B.90 (School Bus Safety Training)
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)
Minn. Stat. § 123B.935 (Active Transportation Safety Training)
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)
Minn. Stat. Ch. 169 (Traffic Regulations)
Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)
Minn. Stat. § 169.02 (Scope)
Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)
Minn. Stat. § 169.446, Subd. 2 (Safety of School Children; Training and Education Rules)
Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)
Minn. Stat. § 169.454 (Type III Vehicle Standards)
Minn. Stat. § 169.4582 (Reportable Offense on School Buses) Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)
Minn. Stat. § 171.168 (Notice of Violation by Commercial Driver)
Minn. Stat. § 171.169 (Notice of Commercial License Suspension)
Minn. Stat. § 171.321 (Qualifications of School Bus and Type III Vehicle Drivers)
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)

Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)
Minn. Stat. Ch. 245C (Human Services Background Studies)
Minn. Stat. § 609.02 (Definitions)
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)
49 C.F.R. Part 383 (Commercial Driver's License Standards; Requirements and Penalties)
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)
49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)
49 C.F.R. § 383.5 (Transportation Definitions)
49 C.F.R. § 383.51 (Disqualification of Drivers)
49 C.F.R. Part 571 (Federal Motor Vehicle Safety Standards)

Cross References:

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

Adopted: January 3, 2011

Revised: _____

727 ASSET PROTECTION

I. PURPOSE

The purpose of this policy is to protect the assets of the school district.

II. GENERAL STATEMENT OF POLICY

The Superintendent shall not allow assets to be unprotected, inadequately maintained, or unnecessarily risked.

The Superintendent shall not:

- A. Fail to insure against theft and casualty losses to 100% of replacement value and against liability losses to School Board members, the staff, and the organization itself.
- B. Allow unbonded personnel access to material amounts of funds.
- C. Subject facilities and equipment to improper wear or insufficient maintenance.
- D. Unnecessarily expose the organization, its Board, or staff to claims of liability.
- E. Make any purchase without considering
 - i. Reasonable protection against conflict of interest
 - ii. Comparative prices based on items of similar quality
 - iii. The balance between long-term quality and cost
- F. Fail to use competitive bidding procedures as required by law.
- G. Fail to protect intellectual property, information and files from loss or significant damage.
- H. Fail to preserve and dispose of all records related to affairs or business of the district in accordance with state and federal law.
- I. Receive, process, or disburse funds under controls, which are insufficient to meet the standards of the auditor appointed by the School Board.
- J. Invest or hold operating capital in insecure instruments including uninsured checking or savings accounts according to state law.

Legal References: Minn. Stat. 123B.77 (Accounting, Budgeting and Reporting Requirements)
Minn. Stat. 471.345 (Uniform Municipal Contracting Law)
Minn. Stat. 123B.02 (School District Powers)
Minn. Stat. 123B.51 (Schoolhouse and Sites; Access for Noncurricular Purposes)

Cross References: Policy 702 (Accounting)
Policy 703 (Annual Audit)

Adopted: _____

MSBA/MASA Model Policy 801

Orig. 1995

Revised: _____

Rev. 202206

801 EQUAL ACCESS TO SCHOOL FACILITIES

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

I. PURPOSE

The purpose of this policy is to implement the Equal Access Act by granting equal access to secondary school facilities for students who wish to conduct a meeting for religious, political, or philosophical purposes during noninstructional time.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is not to deny equal access or a fair opportunity to, or to discriminate against, any students who wish to conduct a meeting, on the basis of the religious, political, philosophical, or other content of the speech at such meetings.
- B. The school board has created a limited open forum for students enrolled in secondary schools during which noncurriculum-related student groups shall have equal access and a fair opportunity to conduct meetings during noninstructional time.
- C. Student use of facilities under this policy does not imply school district sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. The school district retains its authority to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.
- E. In adopting and implementing this equal access policy, the school district will NOT:
 - 1. influence the form or content of any prayer or other religious activity;
 - 2. require any person to participate in prayer or other religious activity;
 - 3. expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
 - 4. compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
 - 5. sanction meetings that are otherwise unlawful;
 - 6. limit the rights of groups of students based on the size of the group;
 - 7. abridge the constitutional rights of any person.

III. DEFINITIONS

- A. "Limited open forum" means that the school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

- B. "Meeting" includes activities of student groups which are permitted under a limited open forum and are not directly related to the school curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.
- C. "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including such other periods that occur during the school day when no classroom instruction takes place.
- D. "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a school employee for custodial, observation, or maintenance of order and discipline purposes does not constitute sponsorship of the meeting.
- E. "Secondary school" means any school with enrollment of pupils ordinarily in grades 7 through 12 or any portion thereof.

IV. FAIR OPPORTUNITY CRITERIA

Schools in this school district shall uniformly provide that:

- A. A meeting held pursuant to this policy is voluntary and student-initiated;
- B. There is no sponsorship of the meeting by the school or its agents or employees;
- C. Employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- E. Nonschool persons may not direct, control, or regularly attend activities of student groups.

V. PROCEDURES

- A. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building at least 48 hours in advance of the time of the activity or meeting. The student must agree to the following:
 - 1. All activities or meetings must comply with existing policies, regulations, and procedures that govern operation of school-sponsored activities.
 - 2. The activities or meetings are voluntary and student-initiated. The principal may require assurances of this fact.
- B. Student groups meeting under this policy must comply with the following rules:
 - 1. Those attending must not engage in any activity that is illegal, dangerous, or which materially and substantially interferes with the orderly conduct of the educational activities of the school. Such activities shall be grounds for discipline of an individual student and grounds for a particular group to be denied access.
 - 2. The groups may not use the school name, school mascot name, school emblems, the school district name, or any name that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.

3. The groups must comply with school policies, regulations and procedures governing school-sponsored activities.
- C. Students applying for use of school facilities under this policy must provide the following information to the principal: time and date of meeting, estimated number of students in attendance, and special equipment needs.
 - D. The building principal has responsibility to:
 1. Keep a log of application information.
 2. Find and assign a suitable room for the meeting or activity. The number of students in attendance will be limited to the safe capacity of the meeting space.
 3. Note the condition of the facilities and equipment before and after use.
 4. Assure proper supervision. Assignment of staff to be present in a supervisory capacity does not constitute school district sponsorship of the meeting or activity.
 5. Assure that the meeting or activity does not interfere with the school's regular instructional activities.
 - E. The school district shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The school district will provide no additional or special transportation.
 - F. Nonschool persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.
 - G. School district employees or agents may not promote, lead, participate in, or otherwise sponsor meetings or activities held pursuant to this policy.
 - H. A copy of this policy and procedures shall be made available to each student who initiates a request to use school facilities.

Legal References: 20 U.S.C. §§ 4071-74 (Equal Access Act)
 20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
Board of Educ. of Westside Community Schools v. Mergens, 496 U.S. 226, ~~1105 S.Ct. 2356~~ (1990)
Good News Club v. Milford Central School, 533 U.S. 98, ~~1215 S.Ct. 2093~~ (2001)
Child Evangelism Fellowship of Minnesota v. Special Sch. Dist. 1, 690 F.3d 996 (8th Cir. 2012)
Child Evangelism Fellowship of Minnesota v. Elk River Area School Dist. 728, 599 F.Supp. 2d 1136 (D. Minn. 2009)

Cross References: MSBA/MASA Model Policy 902 (Use of School District Facilities and Equipment)
~~MSBA Service Manual, Chapter 13, School Law Bulletin "O" (Equal Access Act)~~

The Purpose, General Statement of Policy, Definitions, and Fair Opportunity Criteria sections reflect the language and requirements of the Equal Access Act and so should be adopted as written. School Boards have discretion to adopt reasonable procedures to implement the Act, however. We have provided a section on Procedures as a model.

Adopted: _____

MSBA/MASA Model Policy 802

Orig. 1995

Revised: _____

Rev. 2024

802 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL

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

I. PURPOSE

The purpose of this policy is to provide guidelines for the superintendent to assist in timely disposition of obsolete equipment and material.

II. GENERAL STATEMENT OF POLICY

Effective use of school building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material.

III. DEFINITIONS

- A. "Contract" means an agreement entered into by the school district for the sale of supplies, materials, or equipment.
- B. "Official newspaper" is a regular issue of a qualified legal newspaper.

IV. MANNER OF DISPOSITION

A. Authorization

The superintendent shall be authorized to dispose of obsolete equipment and materials by selling it at a fair price consistent with the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the school board. The superintendent shall be authorized to properly dispose of used books, materials, and equipment deemed to have little or no value.

B. Contracts Over \$175,000

1. If the value of the equipment or materials is estimated to exceed \$175,000, sealed bids shall be solicited by two weeks' published notice in the official newspaper. This notice shall state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in the official newspaper or elsewhere may be made as the school board shall deem necessary.
2. The sale shall be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law.
3. A record shall be kept of all bids, with names of bidders and amounts of bids, and an indication of the successful bid. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the highest responsible bid shall be rejected unless the alteration or erasure is corrected by being crossed out and the correction printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid.

4. In the case of identical high bids from two or more bidders, the school board may, at its discretion, utilize negotiated procurement methods with the tied high bidders so long as the price paid does not go below the high tied bid price. In the case where only a single bid is received, the school board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not fall below the original bid. If no satisfactory bid is received, the board may readvertise.
5. All bids obtained shall be kept on file for a period of at least one year after their receipt. Every contract made without compliance with the foregoing provisions shall be void.
6. Data submitted by a business to a school in response to a request for bids are private until opened. Once opened, the name of the bidder and the dollar amount specified become public; all other data are private until completion of the selection process, meaning the school has completed its evaluation and ranked the responses. After completion of the selection process, all data submitted by all bidders are public except trade secret data. If all responses are rejected prior to completion of the selection process, all data remain private, except the name of the bidder and the dollar amount specified which were made public at the bid opening for one year from the proposed opening date or until resolicitation results in completion of the selection process or until a determination is made to abandon the purchase, whichever occurs sooner, at which point the remaining data becomes public. Data created or maintained by the school district as part of the selection or evaluation process are protected as nonpublic data until completion of the selection or evaluation process. At that time, the data are public with the exception of trade secret data.

C. Contracts From \$25,000 to \$175,000

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$175,000, the contract may be made either upon sealed bids in the manner directed above or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding notice. All quotations obtained shall be kept on file for a period of at least one year after receipt.

D. Contracts \$25,000 or Less

If the amount of the sale is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, in the discretion of the school board. The sale in the open market may be by auction. If the contract is made on quotation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after receipt.

E. Electronic Sale of Surplus Supplies, Materials, and Equipment

Notwithstanding the other procedural requirements of this policy, the school district may contract to sell supplies, materials, and equipment which is surplus, obsolete, or unused through an electronic selling process in which purchasers compete to purchase the supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

F. Notice of Quotation

Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.

G. Sales to Employees

No officer or employee of the school district shall sell or procure for sale or possess or control for sale to any other officer or employee of the school district any property or materials owned by the school district unless the property and materials are not needed for public purposes and are sold to a school district employee after reasonable public notice, at a public auction or by sealed response, if the employee is not directly involved in the auction or sale process. Reasonable notice shall include at least one week's published or posted notice. A school district employee may purchase no more than one motor vehicle from the school district at any one auction. This section shall not apply to the sale of property or materials acquired or produced by the school district for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the school district from selling or possessing for sale public property if the sale or possession for sale is in the ordinary course of business or the normal course of the employee's duties.

H. Exceptions for Surplus School Computers

1. A school district may bypass the requirements for competitive bidding and is not subject to any other laws relating to school district contracts if it is disposing of surplus school computer and related equipment, including a tablet device, by conveying the property and title to:
 - a. another school district;
 - b. the state department of corrections;
 - c. the board of trustees of Minnesota State Colleges and Universities;
 - d. the family of a student residing in the district whose total family income meets the federal definition of poverty; or
 - e. a charitable organization under section 501(c)(3) of the Internal Revenue Code that is registered with the attorney general's office for educational use.
2. If surplus school computers are not disposed of as described in Paragraph 1., upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, the school district may sell or give used computers or tablets to qualifying students at the price specified in the written resolution. A student is eligible to apply to the school board for a computer or tablet under this subdivision if the student is currently enrolled in the school and intends to enroll in the school in the year following the receipt of the computer or tablet. If more students apply for computers or tablets than are available, the school must first qualify students whose families are eligible for free or reduced-price meals and then dispose of the remaining computers or tablets by lottery.

Legal References: Minn. Stat. § 13.591 (Business Data)
Minn. Stat. § 15.054 (Sale or Purchase of State Property; Penalty)
Minn. Stat. § 123B.29 (Sale at Auction)
Minn. Stat. § 123B.52 (Contracts)
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)
[Minn. Stat. § 471.85 \(Property Transfer; Public Corporations\)](#)
Minn. Stat. § 645.11 (Published Notice)

Cross References: MSBA School Law Bulletin "F" (School District Contract and Bidding Procedures)