

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138  
 NORTH BRANCH AREA MIDDLE SCHOOL, MEDIA CENTER  
 38431 LINCOLN TRL  
 NORTH BRANCH, MN 55056  
 REGULAR SCHOOL BOARD MEETING  
 JUNE 10, 2021  
 5:45 PM**

**AGENDA**

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
- V. Superintendent’s Report 5
- VI. Removal of Consent Items for Discussion
- VII. Approval of Consent Items
  - A. Minutes of May 13, 2021 Regular School Board Meeting 20
  - B. Minutes of May 27, 2021 Policy Committee Meeting 27
  - C. Minutes of May 27, 2021 Work Session 29
  - D. Authorization of Payments, Transfers, and Investment Activity 31
  - E. Personnel
    - 1. Jake Sayre, resignation effective the end of the 2020-21 school year, as SPED Teacher at Sunrise River Elementary School
    - 2. Linda Fricke, leave request effective May 10, 2021 through June 8, 2021, as Central Printing Operator at North Branch Area Public Schools
    - 3. Annette Fairbanks, leave request effective May 24, 2021 through the end of the 2020-21 school year, as Community Education Early Childhood Instructor at North Branch Area Education Center
    - 4. Lisa Delougherty, leave request effective May 25, 2021 through the end of the 2020-21 school year, as SPED Assistant at North Branch Area Middle School
    - 5. Juanita Worthley, leave request effective June 1, 2021 through June 14, 2021, as Science Teacher at North Branch Area High School
    - 6. Cristina Funke, leave request effective August 30, 2021 through December 5, 2021 as First Grade Teacher at Sunrise River Elementary School
    - 7. Kaiya Carlson, BA, Step 1, beginning with the 2021-22 school year, as SPED Teacher at Sunrise River Elementary School
    - 8. Alyssa Nelson, BS+45, Step 4, beginning with the 2021-22 school year, as SPED Teacher at North Branch Area High School
    - 9. Andrew Timmer, MA+45, Step 10, beginning with the 2021-22 school year, as SPED Teacher at North Branch Area High School
    - 10. Jessica Konrad, BS, Step 2, as LTS for Andrew Spofford for the 2021-22 school year, as Social Studies Teacher at North Branch Area High School

- 11. Kasey Cesafsky, position change beginning May 24, 2021, from Office Clerk at North Branch Area High School to Career Navigator at North Branch Area High School
- 12. Elana Umland, employment effective May 10, 2021, as Office Clerk at North Branch Area High School
- 13. Heidi Scheffer, employment effective June 1, 2021, as 0.5 FTE District Office Clerk at North Branch Area Public Schools
- 14. Kristin Mayne, employment effective the beginning of the 2021-22 school year, as Career Center Clerk at North Branch Area High School
- 15. Taylor Swanson, employment beginning July 1, 2021, as Elementary Principal at Sunrise River Elementary School
- F. Agreement between Physical Therapy Consultants, Inc. and Independent School District No. 138 commencing on July 1, 2021 and ending on June 30, 2024
- G. Contract Between Independent School District No. 138, North Branch and Therapeutic Services Agency, Inc. (TSA)
- H. Scoreboard Advertising Agreement Between North Branch Area Public Schools and the Following Business
  - 1. Anoka Ramsey Community College
- I. Acceptance of Donations 32  
 Minnesota Statute 123B.02 permits school boards to "...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, and for the benefit of pupils thereof."

Therefore, the Superintendent recommends the following resolution:

BE IT RESOLVED by the School Board of Independent School District No. 138 that the School Board accept with appreciation the following contributions and permit their use as designated by the donors.

- VIII. **Open Mic:** Open mic is a time for public comment. However, it is not a means to have issues added to this evening's agenda. It is also not a means to discuss specific individuals negatively in public, either by name or position. If you would like district follow up to comments, please leave appropriate contact information on the open mic sign-in sheet. Please limit your comments to three minutes.
- IX. Old Business
  - A. Consider Second Reading of the Following Policies
    - 1. Policy 102 - Equal Educational Opportunity (Review only - No MSBA changes) 33
    - 2. Policy 401 - Equal Employment Opportunity (Review only - No MSBA changes) 34
    - 3. Policy 402 - Disability Nondiscrimination Policy (MSBA change - This change reflects an update to the legal reference. The substance of the policy language is not affected.) 35
    - 4. Policy 501 - School Weapons Policy (Review only - No MSBA changes) 36

5.	Policy 502 - Search of Student Lockers, Desks, Personal Possessions, and Student's Person (MSBA changes - Minor changes)	41
6.	Policy 526 - Hazing Prohibition (Review only - No MSBA changes)	44
7.	Policy 709-NB - Student Transportation Safety Policy (Review only - No MSBA changes)	50
8.	Policy 714-NB - Fund Balances (No MSBA changes; there will be NB changes to the policy)	67
9.	Policy 721 - Uniform Grant Guidance Policy Regarding Federal Revenue Sources (Review only - No MSBA changes)	70
X.	New Business	
A.	Consider Revisions to the 2020-21 Budget and Adoption of 2021-22 Budget	87
B.	Consider Transfer of \$65,905 from Staff Development to Fund 04 for Staffing of Childcare for Tier 1 and Tier 2 Workers Childcare Costs between November 23, 2020 and January 15, 2021	
C.	Consider Student Fees for 2021-22	
D.	Consider Approval of the Long-Term Facilities Maintenance Plan	
E.	Q Comp Update	104
F.	Consider Request to Bid for Garbage Services	
G.	Consider Request to Bid for Fuel and Gasoline	
H.	Consider Resolution Establishing Dates for Filing Affidavits of Candidacy	108
I.	Consider Renewal of Membership in Minnesota School Boards Association (MSBA) \$10,508.00	113
J.	Consider Revised Personnel Policy Providing Terms and Conditions for Non-Union Employees Effective July 1, 2020, through June 30, 2022	
1.	JROTC Instructors	
K.	Consider Personnel Policy Providing Terms and Conditions for Non-Union Employee Effective July 1, 2020, through June 30, 2022	
1.	Career Navigator	
L.	Consider Superintendent's Evaluation Summary	
M.	Consider First Reading of the Following Policies	
1.	Policy 214-NB - Out-of-State Travel by School Board Members (Recommending removing NB changes - No MSBA changes)	116
2.	Policy 406 - Public and Private Personnel Data (Review only - No MSBA changes)	118
3.	Policy 412 - Expense Reimbursement (Review only - No MSBA changes)	128
4.	Policy 417 - Chemical Use and Abuse (Review only - No MSBA changes; see email from MSBA on CBD)	130
5.	Policy 418 - Drug-Free Workplace/Drug-Free School (Review only - No MSBA changes; see email from MSBA on CBD)	140
6.	Policy 419 - Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction (MSBA changes)	148

7.	Policy 427 - Workload Limits for Certain Special Education Teachers (Review only - No MSBA changes)	152
8.	Policy 515 - Protection and Privacy of Pupil Records (MSBA change - This change reflects an update to the reference. The substance of the policy language is not affected.)	154
XI.	Addendum	
XII.	Information	
	A. Board & Administrator June 2021 Issue	188
XIII.	Board Requests	
XIV.	Committee Reports	
	A. SEE (Schools for Equity in Education)	
	B. Negotiations	
	1. NBEA	
	C. MSBA Update or Report	
	D. MSHSL	
	E. SCRED Report	
	F. Staff Development Report	
	G. Community Education Advisory Committee Report	
	H. Policy Committee Report	
XV.	Dates to Remember	
	A. Sunday, June 13, 2021 Graduation of the Class of 2021, 2:00 p.m., North Branch Area High School. Board members should be there at 1:30 p.m.	
	B. Monday, June 14, 2021, Last Day of School for Students	
	C. Tuesday, June 15, 2021, Staff Appreciation Breakfast, 7:15 am, North Branch Area High School, Commons Area	
	D. Tuesday, June 15, 2021, School Board Retreat, 4:00 pm, North Branch Area High School, Glass Classroom	
	E. Tuesday, June 22, 2021, Negotiations Committee Meeting, 3:30 pm, North Branch Area High School, High School Office Conference Room	
	F. Tuesday, June 22, 2021, NBEA Negotiation Session, 4:30 pm, North Branch Area High School, High School Office Conference Room	
	G. Thursday, July 8, 2021, Regular School Board Meeting, 5:30 pm, North Branch Area High School, Glass Classroom	
XVI.	Motion to Close Meeting for a Closed Session on Negotiations	
	The School Board will close the meeting pursuant Minn. Stat. § 13D.03 to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals concerning the NBEA contract.	
XVII.	Motion to Reopen Regular Meeting	
XVIII.	Adjournment	

# Superintendent Update

Better Together  
Superintendent Sara Paul  
June 10, 2021

5



# NBAPS Goals



## *Prepare all learners for success in school and in life.*

- **Flexibility and choice** for families to decide what is best for each child: distance learning or 5-day, in-school option
- Value **safety** and place a priority on the **health and wellness** of **students and staff**

## *Raise accountability for all staff and programs*

- Establish **mutual commitments** for procedures/protocols to mitigate risk
- Provide **predictability** of daily schedule, instructional model and learning environments

## *Increase community engagement*

- Include students, families, and staff members in a **responsive, adaptable,** and **ongoing** planning process

## *Commit resources to district priorities*

- Share the responsibility to **maximize resources**

# Using District Data to Drive Decisions



- Recently, numerous changes have been announced by the Governor regarding our state's return to normalcy.
  - School districts have been advised to use local data to inform decisions.
- In reviewing our school district COVID data over the course of the school year, it has become apparent that the risk of transmission in our schools is extremely low.
  - 993 students have been identified as close contacts, which resulted in 10<sup>7</sup>000s of missed days of school due to mandatory quarantine
  - Less than 1% of those students tested positive for COVID
- Recommendation from COVID Response Team and COVID Advisory
  - Communications sent to staff and families
  - Continue identifying close contacts and monitoring for symptoms
  - End mandatory quarantines through the end of school year
  - Support from all COVID Advisory Perspectives

# COVID Update



May 31-June 6

- NBAPS had 4 confirmed cases of COVID-19 among students
  - 2 among staff
  - 15 close contacts (most are bus related).
- [Community spread](#) in Chisago County now stands at 29.78 per 10,000 and Isanti County at 34.38 cases per 10,000. Additional information from Chisago County is available [here](#).



# Celebrating Student Success



- DLA K-5 picnic
- K-5 Activities Day
- 5th grade math classes completed 3D models of tiny homes
- Mock Crash
- Norse ALC graduation



# Celebrating Student Success



- Baseball - Great game against Princeton, close game against Chisago that came down to the wire, but ended season
- Boys Golf - Sent four individuals to the second day of section play. Top golfer Tyler Minke - an 8th grader!
- Girls Golf - Hailey Bistodeau finished 3rd in sections and qualified for State
- Softball - Go into tonight's section final undefeated. They will play Chisago at Forest Lake
- Boys Tennis - Josh Newman advanced to round two of sections.
- Boys Track and Field - Headed to Cloquet for sections this Saturday.
- Girls Track and Field - The team placed 6th in a section of 16! The 4x200 relay team placed 2nd, sending them to state.

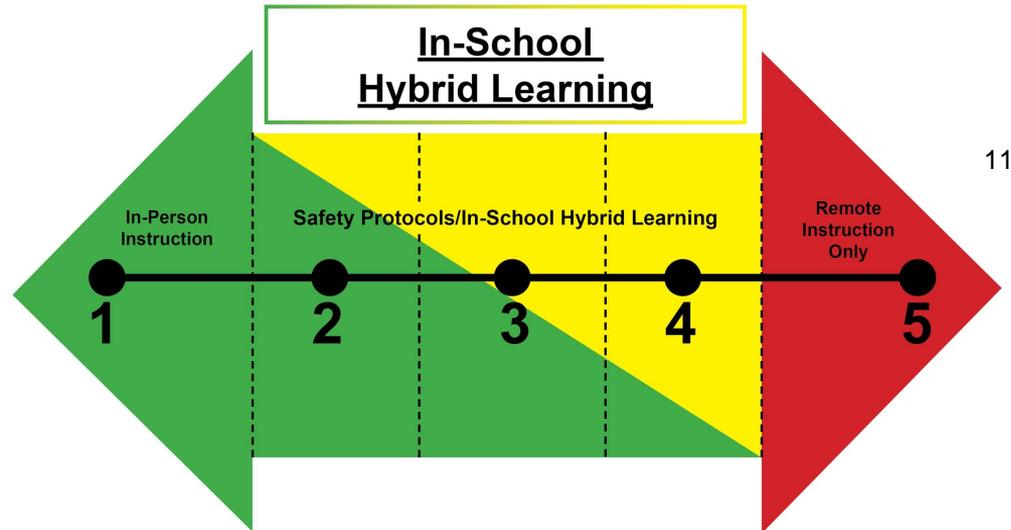
# Safe Learning 2021-22



- Drafting Safe Learning Plan for 2021-22
  - State has shifted focus to guidance that emphasizes in-person safe learning
- District data will continue to inform decisions
- Guidance from state agencies will continue to be monitored
- Comprehensive update will be given at July School Board meeting.



## Flexible Learning Continuum



**Distance Learning Academy is an option available for students grades K-12**

# Always Moving Forward



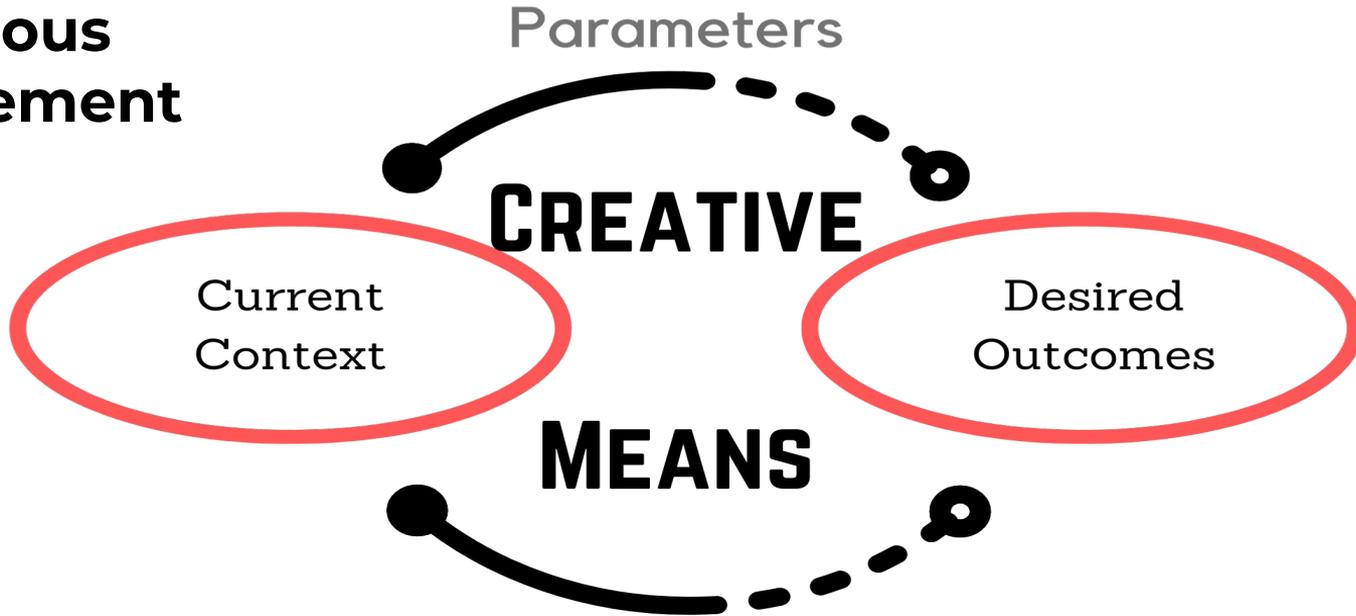
- Current Continuous Improvement Plan expires this year
  - 2021-22 Strategic planning will bring coherence to Continuous Improvement Plan/WBWF Plan/Safe Learning Plan, and will align with each Building Plan
  - Two areas to highlight in this update:
    - High School Redesign Goals and Progress
      - Student Experience
        - Increased course offerings
        - Flexibility in schedule
      - Importance of teacher leadership and embedded professional development

12

NBAPS - High School Redesign

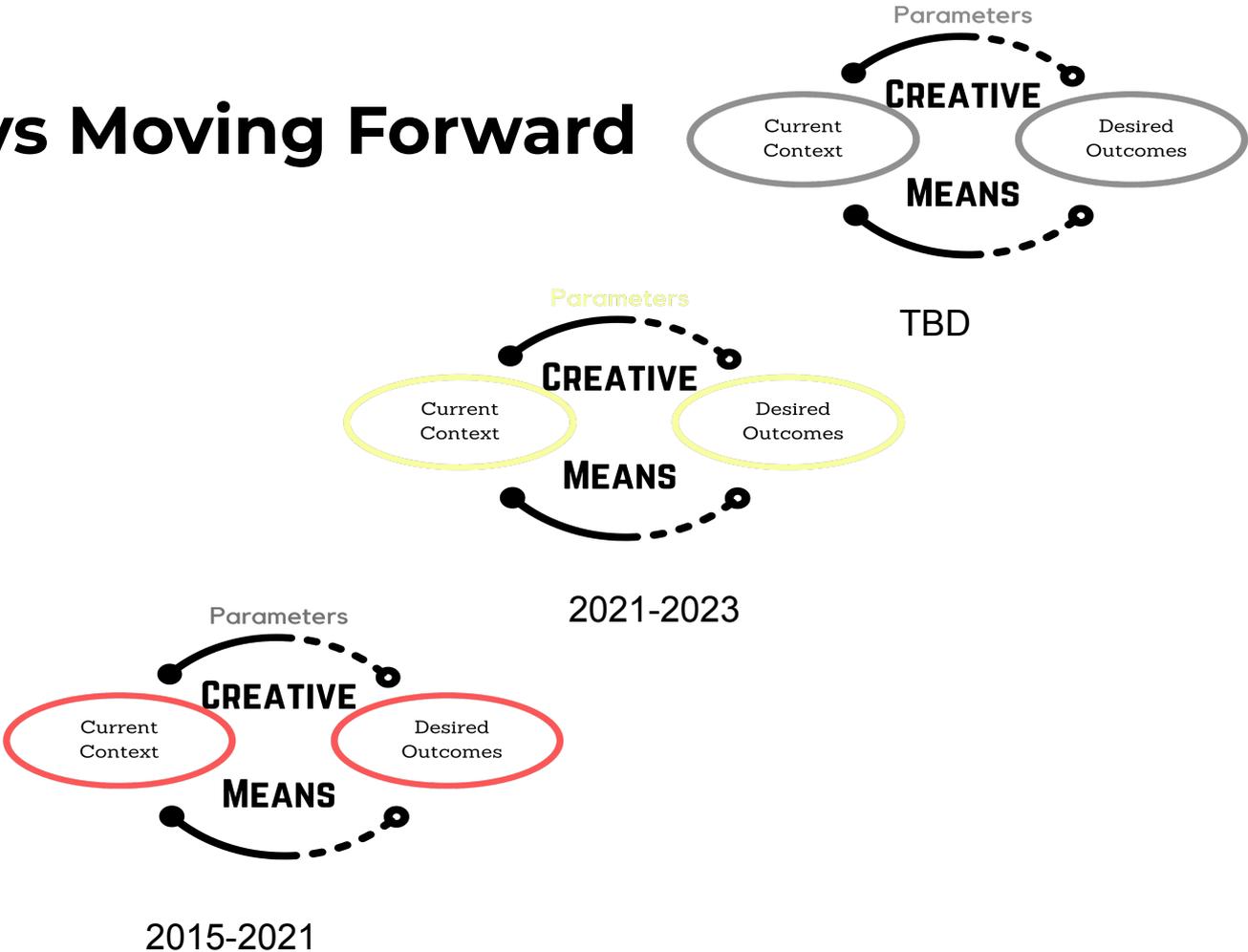


# Guiding change for continuous improvement



# Always Moving Forward

I  
m  
p  
r  
o  
v  
e  
m  
e  
n  
t



# Strategic Planning Next Steps



- World's Best Workforce Committee meeting
- School Board Update in July
- Multiple modes of informing and engaging students, staff, families and community members



# Welcome Principal Swanson



- Extensive Process
- Leadership profile developed with staff and family input:

*NBAPS seeks a collaborative leader with strong communication skills and high visibility, with leadership characteristics of inclusivity and flexibility, who involves parents and staff in the educational process.*



# Ending on a high note!



- Kids are in school
  - COVID policy change
  - Thanks to our taxpayers for supporting our Bond Referendum, we effectively navigated the heat wave
- Relationship-driven activities in classrooms



# Upcoming Events



## Prom Update

- Friday, June 11, 2021
  - Combination of outdoor and indoor activities

## Graduation Update

- Sunday, June 13, 2021
  - Will be held in the gymnasium

## Last Day of School

- Monday, June 14, 2021

## Staff Recognition Ceremony

- Tuesday, June 15

## Reception for Lori Zimmerman

- Tuesday, June 15





Questions?

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138  
REGULAR SCHOOL BOARD MEETING  
NORTH BRANCH AREA MIDDLE SCHOOL, MEDIA CENTER  
MAY 13, 2021**

The School Board of Independent School District 138 met in regular session on Thursday, May 13, 2021, at 5:30 p.m. at the North Branch Area Middle School Media Center.

Board Chair MacMillan called the meeting to order.

Roll Call: Tim MacMillan, Sarah Grovender, Heather Osagiede, Tanya Giese, Jesse LaValla, and Superintendent Paul

Absent: Kevin Bollman

Others in Attendance:

Sarv Mithaqiyani, Bill Stickels III, Jeff Norton, Kelly Hischer, Lila Hischer, Andrea Schmidt, Pam Newbauer, David Treichel, Todd Tetzlaff, Pat Tepoorten, and Arle Chambers

The Pledge of Allegiance was said by all.

Approval of Agenda:

Moved by Grovender, seconded by Giese and carried unanimously to approve the agenda.

Recognition:

Superintendent Paul introduced Kelly Hischer, parent of the school district, who spoke briefly about 7<sup>th</sup> grade history teacher Pam Newbauer. Ms. Newbauer was chosen by her peers as NBAPS' Teacher of the Year for the 2020-21 school year.

Superintendent Paul also presented Pam Newbauer with a certificate for receiving the Outstanding Leader Award from Education MN Central for 2021.

**SUPERINTENDENT'S REPORT**

Superintendent Paul gave an update on COVID stating that for the week of May 3-9 there were eight confirmed cases of COVID among students with 40 close contacts. There were zero cases among staff. She also talked about student success which included Air Force JROTC placing fourth at the National High School Drill Team Championships and the Color Guard placing 12<sup>th</sup>, Spring Meltdown, scholarship night, and national signing day for five student athletes. She talked about staff appreciation which included Pam Newbauer being selected by her peers as the Teacher of the Year for 2020-21, and staff appreciation week.

She reported on Hike it! Bike it! I like it! which was held on May 5, Community Service Day, prom and graduation update, and a meet and greet opportunity for cultural groups.

### **CONSENT ITEMS**

Moved by Grovender, seconded by Osagiede and carried unanimously to approve the following consent items.

- A. Minutes of April 8, 2021 Policy Committee Meeting
- B. Minutes of April 8, 2021 Regular School Board Meeting
- C. Minutes of April 22, 2021 Work Session
- D. Authorization of Payments, Transfers, and Investment Activity
  - Accounts Payable, Bank 07 – \$1,143,482.23
  - Auxiliary, Bank 12 - \$12,524.45
  - Payroll, Bank 13 - \$1,709,122.07
  - Scholarship, Bank 18 - \$1,150.00
  - High School Student Activities, Bank 31 - \$1,447.49
  - Middle School Student Activities, Bank 32 - \$0.00
- E. Personnel
  - 1. Melody Goldbloom, retirement effective the end of the 2020-21 school year, as SPED Assistant at North Branch Area High School
  - 2. Cynthia Regnier, retirement effective June 30, 2021, as Schoolkeeper at North Branch Area Middle School
  - 3. Kayla Erickson, resignation effective May 7, 2021, as SPED Assistant at Sunrise River Elementary School and School Age Care Adult Assistant at North Branch Area Education Center
  - 4. Becky Wille, resignation effective June 15, 2021, as Assessment Support Secretary at North Branch Area Public Schools
  - 5. Lucinda (Cindy) Heil-Berg, leave request effective March 24, 2021 until the end of the 2020-21 school year, as Elementary Physical Education Teacher
  - 6. Tessa Strain-Moritz, extension of leave request effective April 19, 2021 through June 6, 2021, as ALC/Distance Learning Teacher
  - 7. Lori Zimmerman, three (3) year leave request beginning July 1, 2021, as Elementary Principal at Sunrise River Elementary School

8. Kyle Groh, BS, Step 1, LTS for Lucinda (Cindy) Heil-Berg, from April 13, 2021 through the end of the 2020-21 school year, as Elementary Physical Education Teacher
9. Taylor Neil, BA, Step 1, effective the beginning of the 2021-22 school year, as Elementary Music Teacher at Sunrise River Elementary and North Branch Area Education Center
10. Erin Theobald, BS, Step 1, effective the beginning of the 2021-22 school year, as Math Teacher at North Branch Area High School
11. Jamie Olson, adding temporary position of SPED Assistant at North Branch Area Education Center effective March 29, 2021 through the end of the 2020-21 school year
12. Mari Soma-Ringness, reinstatement rights terminated effective April 1, 2021, as Counselor at North Branch Area High School
13. Deborah Karp, termination effective May 7, 2021, as Lunchroom Assistant at North Branch Area Middle School
14. 2020-21 Extra Curricular Spring Coach Positions
  - a. Matthew Solberg, Class 4, Step, as 0.5 FTE Assistant Coach for Baseball
  - b. Kyle Groh, change from Class 6, Step 1, as Coach for Middle School Softball to Class 4, Step 1, as Coach for High School Softball
  - c. Cindy Berg, Class 6, Step 10, withdrawn from position as Coach for Middle School Softball
  - d. Jennifer Aguirre, Class 6, Step 1, as Coach for Middle School Softball
  - e. Karissa Ratcliff, Class 6, Step 1, as Coach for Middle School Softball
  - f. Jess Richards - Volunteer Baseball Coach
15. Letter of Agreement to Extend Probationary Period  
Lori Petrik - Extend Probationary Period through the 2021-22 School Year as Community Education Early Childhood Teacher at North Branch Area Education Center
16. Ryan Kirkland, non-renew for the 2021-22 school year, as ALC/Distance Learning Math Teacher at North Branch Area Public Schools

#### F. Acceptance of Donations

Date	Donation From	Donation To	Amount	Use
4/14/21	Ruth Ryan – Shoreview, MN	Sunrise River Elem	\$50.00	Media Ctr in Memorial of M. LaValle
4/16/21	Greater Green Bay Community Foundation – Green Bay, WI	Community Ed	\$250.00	North Branch ACE Gymnastics
4/21/21	Greater Green Bay Community Foundation – Green Bay, WI	NBMS	\$250.00	5 <sup>th</sup> Grade Tech Cords
4/21/21	Greater Green Bay Community Foundation – Green Bay, WI	Sunrise River Elem	\$250.00	Boosterthon
4/30/21	Almelund Threshing Co – Taylors Falls, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
4/30/21	Chisago County Chapter of Pheasants Forever-Stacy, MN	NBHS Scholarship A/C	\$750.00	Scholarship Donation
4/30/21	Clear Creek Dental – Eau Claire, WI	NBHS Scholarship A/C	\$500.00	Scholarship Donation
4/30/21	Lakes Region EMS, Inc. – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
4/30/21	Lions Club of North Branch – NB, MN	NBHS Scholarship A/C	\$1,500.00	Scholarship Donation
4/30/21	Minnco Credit Union – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation

4/30/21	NB Chamber of Commerce – NB, MN	NBHS Scholarship A/C	\$250.00	Scholarship Donation
4/30/21	North Branch Fire Relief Assoc. – NB, MN	NBHS Scholarship A/C	\$3,000.00	Scholarship Donation
4/30/21	North Branch Area Hockey Assoc. – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
4/30/21	Prism Design & Embroidery – NB, MN	NBHS Scholarship A/C	\$500.00	Scholarship Donation
4/30/21	Sons of the American Legion Squadron #85 – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
4/30/21	Viking Blue Line Club – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
4/30/21	Jeanne Walz – NB, MN	NBHS Scholarship A/C	\$2,000.00	Scholarship Donation
		<b>Total</b>	<b>\$15,300.00</b>	

### **OPEN MIC**

No one signed up for open mic.

### **OLD BUSINESS**

A. Approval of Second Reading of 2022-23 School Calendar and 2023-24 School Calendar

Moved by Giese, seconded by LaValla and carried unanimously to approve the second reading of the 2022-23 and 2023-24 school calendars.

### **NEW BUSINESS**

A. Approval of Lease and Premises Use Agreement between St. Croix River Education District (SCRED) and Independent School District No. 138

Moved by Osagiede, seconded by Giese and carried unanimously to approve the Lease and Premises Use Agreement between St. Croix River Education District (SCRED) and Independent School District No. 138 commencing on July 1, 2021 and ending on June 30, 2022.

B. Approval of Agreement between North Branch Independent School District No. 138 and Rush City Independent School District No.139 for Alternative Education Services, Specifically K-8 Targeted Services

Moved by Grovender, seconded by LaValla and carried unanimously to approve the agreement between North Branch Independent School District No. 138 and Rush City Independent School District No.139 for alternative education services, specifically K-8 Targeted Services.

C. Approval of Application of Boys Hockey Cooperative between North Branch Area High School and St. Francis High School Beginning with the 2021-22

Moved by Grovender, seconded by Giese and carried unanimously to approve the application of the Boys Hockey Cooperative between North Branch Area High School and St. Francis High School.

D. Approval of Revised Personnel Policies Providing Terms and Conditions for Non-Union Employees Effective July 1, 2020 through June 30, 2022

Moved by Grovender, seconded by LaValla and carried unanimously to approve the revised personnel policies providing terms and conditions for non-union employees effective July 1, 2020 through June 30, 2022.

1. 12 Month Hourly Personnel
2. 12 Month Salaried Personnel

3. Accountant
4. Director of Activities
5. Director of Buildings and Grounds
6. Director of Community Education and Early Learning
7. Director of Finance and Human Resources
8. Director of Teaching and Learning
9. Director of Technology

E. Approval of Ratification of Contract Between the North Branch Principals Association and North Branch Independent School District Effective July 1, 2020 through June 30, 2022

Moved by Osagiede, seconded by Giese and carried unanimously to approve the ratification of the contract between the North Branch Principals Association and North Branch Independent School District effective July 1, 2020 through June 30, 2022.

F. Approval of Tenure of the Following Teachers

Moved by Grovender, seconded by Osagiede and carried unanimously to approve tenure for the following teachers:

1. Molly Meysembourg - Elementary Art Teacher - Sunrise River Elementary School and North Branch Area Education Center
2. Hannah Rawleigh - FACS Teacher - North Branch Area High School
3. Sarah Williams - SPED Teacher - Sunrise River Elementary School and North Branch Area Education Center

G. Approval of Authorizing the Issuance of Purchase Orders for Fiscal Year 2021-22 in an Amount not to Exceed 80 Percent of the Adopted 2020-21 Budget for Supplies and Services

Moved by Giese, seconded by Grovender and carried unanimously to approve the issuance of purchase orders for fiscal year 2021-22 in an amount not to exceed 80 percent of the adopted 2020-21 budget for supplies and services.

H. Approval of Setting June 10, 2021 at 5:30 p.m. for Public Hearing on Student Fees  
Motion by Grovender, seconded by LaValla and carried unanimously to set June 10, 2021 at 5:30 p.m. for a Public Hearing on Student Fees.

I. Approval of First Reading of the Following Policies

Moved by Grovender, seconded by Giese and carried unanimously to approve the first reading of the following policies:

1. Policy 102 - Equal Educational Opportunity (Review only - No MSBA changes)
2. Policy 401 - Equal Employment Opportunity (Review only - No MSBA changes)

3. Policy 402 - Disability Nondiscrimination Policy (MSBA change - This change reflects an update to the legal reference. The substance of the policy language is not affected.)
4. Policy 501 - School Weapons Policy (Review only - No MSBA changes)
5. Policy 502 - Search of Student Lockers, Desks, Personal Possessions, and Student's Person (MSBA changes - Minor changes)
6. Policy 526 - Hazing Prohibition (Review only - No MSBA changes)
7. Policy 709-NB - Student Transportation Safety Policy (Review only - No MSBA changes)
8. Policy 714-NB - Fund Balances (No MSBA changes; there will be NB changes to the policy)
9. Policy 721 - Uniform Grant Guidance Policy Regarding Federal Revenue Sources (Review only - No MSBA changes)

### **INFORMATION**

The board reviewed the fundraising reports for Early Childhood, Sunrise River Elementary School, North Branch Middle School, and the North Branch High School Activities from November 1, 2020 through April 30, 2021.

### **BOARD REQUESTS**

None

### **COMMITTEE REPORTS**

- A. SEE (Schools for Equity in Education) – Board Member MacMillan reported the next SEE meeting is on May 27.
- B. Negotiations – Board Member MacMillan reported the first negotiation meeting with the NBEA is scheduled for May 26.
- C. MSBA Report – None
- D. MSHSL – None
- E. SCRED Report – Board Member Grovender reported the next SCRED meeting is scheduled for May 25.
- F. Staff Development Report – None
- G. Community Education – Board Member Giese gave a report on the recent Community Education Advisory meeting she attended.

- H. Policy Committee Report – Board Member MacMillan reported the next policy meeting is May 27.

**DATES TO REMEMBER**

- A. May 26, 2021, Negotiations Committee Meeting, 5:30 pm, North Branch Area Education Center
- B. May 26, 2021, NBEA Negotiation Session, 6:00 pm, North Branch Area Education Center
- C. May 27, 2021 Policy Committee Meeting, 4:30 pm, North Branch Area Middle School, Room 816
- D. May 27, 2021, Work Session, 5:30 pm, North Branch Area Middle School, Media Center
- E. June 3, 2021, Life Work Center Graduation and Awards Ceremony, 6:00 pm, North Branch High School Edelstein Auditorium
- F. June 10, 2021 Public Hearing on Student Fees, 5:30 pm, North Branch Area Middle School, Media Center
- G. June 10, 2021, Regular School Board Meeting, beginning immediately after the Public Hearing, North Branch Area Middle School, Media Center
- H. June 13, 2021 Graduation of the Class of 2021, 2:00 p.m., North Branch Area High School. Board members should be there at 1:30 p.m.
- I. June 14, 2021, Last Day of School for Students

Adjournment

Moved by Osagiede, seconded by Grovender and carried unanimously to adjourn the regular meeting at 6:20 pm.

---

Kevin Bollman, Clerk  
(Unapproved)

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138**  
**NORTH BRANCH AREA MIDDLE SCHOOL, ROOM 816**  
**POLICY COMMITTEE MEETING**  
**May 27, 2021**

The Policy Committee met on Thursday, May 27, 2021 at 4:30 p.m. in Room 816 at the North Branch Area Middle School.

Members in Attendance: Tim MacMillan, Sarah Grovender, Superintendent Paul, Todd Tetzlaff, David Treichel, and Arle Chambers

Absent: Kevin Bollman

**Policies Discussed**

Policy 214-NB - Out-of-State Travel by School Board Members (Review only - No MSBA changes)

Policy 214-NB was discussed and will be presented at the June 10 regular board meeting for a first reading. The committee is recommending removing the North Branch changes to this policy.

Policy 406 - Public and Private Personnel Data (Review only - No MSBA changes)

Policy 406 was discussed and will be presented at the June 10 regular board meeting for a first reading.

Policy 412 - Expense Reimbursement (Review only - No MSBA changes)

Policy 412 was discussed and will be presented at the June 10 regular board meeting for a first reading.

Policy 417 - Chemical Use and Abuse (Review only - No MSBA changes)

Policy 417 was discussed and will be presented at the June 10 regular board meeting for a first reading.

Policy 418 - Drug-Free Workplace/Drug-Free School (Review only - No MSBA changes)

Policy 418 was discussed and will be presented at the June 10 regular board meeting for a first reading.

Policy 419 - Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction (MSBA changes)

Policy 419 was discussed and will be presented at the June 10 regular board meeting for a first reading.

Policy 427 - Workload Limits for Certain Special Education Teachers (Review only - No MSBA changes)

Policy 427 was discussed and will be presented at the June 10 regular board meeting for a first reading.

Policy 515 - Protection and Privacy of Pupil Records (MSBA change - This change reflects an update to the reference. The substance of the policy language is not affected.)

Policy 515 was discussed and will be presented at the June 10 regular board meeting for a first reading.

The meeting concluded at 4:50 p.m.

---

Kevin Bollman, Clerk  
(Unapproved)

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138**  
**NORTH BRANCH AREA MIDDLE SCHOOL**  
**SCHOOL BOARD WORKING SESSION**  
**May 27, 2021**

The School Board of Independent School District 138 met in a Working Session on Thursday, May 27, 2021, at 5:30 p.m. in the Media Center at the North Branch Area Middle Center.

Chair MacMillan called the meeting to order.

Roll Call: Tim MacMillan, Sarah Grovender, Heather Osagiede, Tanya Giese, Jesse LaValla (arrived at 5:33 pm), and Superintendent Paul

Absent: Kevin Bollman

Others in Attendance:

David Treichel, Todd Tetzlaff, Pat Teпоorten, and Arle Chambers

The Pledge of Allegiance was said by all.

Work Session Topics

Superintendent's Update

Superintendent Paul gave an update on COVID stating that for the week of May 17-23 there were five confirmed cases of COVID among students with 32 close contacts (10 bus-related). There were zero cases among staff. She also talked about student success, which included individually recognizing "Signing Day" students on the NBAPS Facebook page, the annual 5<sup>th</sup> grade Water Festival, and the US History class 7<sup>th</sup> grade competition.

Superintendent Paul presented a video on the Distance Learning Academy that is going to be used for marketing purposes.

She also mentioned there is a Lunch and Learn event with North Branch Economic Development Authority on June 23 from 11:30 am – 1:00 pm, and the upcoming prom and graduation events.

Strategic Thinking Discussion

Superintendent Paul talked about the 2021-22 Strategic planning that will bring coherence to the Continuous Improvement Plan/WBWF Plan/Safe Learning Plan, and will align with each building plan.

Proposed Revised FY 2020-21 Budget

Todd Tetzlaff, Director of Finance and Human Resources, presented information on the proposed revised FY 2020-21 budget.

Proposed FY 2021-22 Budget

Director of Finance and Human Resources Todd Tetzlaff presented information on the proposed FY 2021-22 budget.

Proposed FY 2021-22 LTFM Budget

Todd Tetzlaff, Director of Finance and Human Resources, presented information on the proposed FY 2021-22 LTFM budget.

School Board Retreat Discussion

The school board discussed there will be a school board retreat on June 15 from 4-8 pm. The location has yet to be determined.

Chair MacMillan adjourned the meeting at 6:32 pm.

---

Kevin Bollman, Clerk  
(Unapproved)

**ELECTRONIC FUND TRANSFERS  
MAY 2021**

Direct Dep Cks			\$904,996.67
ACHS			<u>\$15,464.70</u>
			<b>\$920,461.37</b>
Transfer from Construction Account to General Operating:	2017A Bond	5/14/2021	<b>\$57,243.42</b>
Sweep from P/R to General Operating:		5/5/2021	<b>\$336.28</b>
Other Electronic Fund Transfers:		5/10/2021	\$56,742.63
Federal/FICA Taxes		5/10/2021	\$89,185.18
(Also reflected in P/R info)		5/24/2021	\$76,791.34
		5/24/2021	<u>\$99,803.84</u>
			<b>\$322,522.99</b>
Minnesota Withholding Taxes		5/11/2021	\$9,247.68
(Also reflected in P/R info)		5/11/2021	\$15,021.45
		5/25/2021	\$12,696.04
		5/25/2021	<u>\$16,889.79</u>
			<b>\$53,854.96</b>
Economic Service (EBC)		5/10/2021	\$12,987.19
(Also reflected in P/R info)		5/10/2021	\$27,736.37
		5/24/2021	\$24,047.08
		5/24/2021	<u>\$28,236.37</u>
			<b>\$93,007.01</b>
MII LIFE-F S A	PEIP	5/3/2021	\$873.70
	PEIP	5/10/2021	\$1,163.67
	PEIP	5/17/2021	\$50.51
	PEIP Admin Fee	5/24/2021	\$248.60
	PEIP	5/24/2021	<u>\$59.46</u>
			<b>\$2,395.94</b>
MII LIFE-M S A		5/11/2021	\$5,785.74
(Also reflected in P/R info)		5/12/2021	\$2,924.81
		5/25/2021	<u>\$9,930.13</u>
			<b>\$18,640.68</b>
Minnesota Teachers Retirement		5/7/2021	\$7,769.00
		5/7/2021	\$61,567.06
		5/21/2021	\$10,197.31
		5/21/2021	<u>\$68,591.67</u>
			<b>\$148,125.04</b>
PERA		5/7/2021	\$104.57
		5/7/2021	\$27,784.95
		5/21/2021	<u>\$35,066.90</u>
			<b>\$62,956.42</b>
Delta Dental Plan		5/21/2021	<b>\$11,484.00</b>
MN Sales Tax		5/20/2021	<b>\$54.00</b>

MAY 2021

DATE	DONATION FROM	DONATION TO	AMOUNT	USE
5/11/21	FIRST, 200 Bedford Street, Manchester, NH 03101-1103	NBHS Athletics	\$2,450.00	Team 3038 FRC Robotics Donation
5/21/21	Anderson & Koch Ford, P.O. Box 158, North Branch, MN 55056	Community Ed	\$200.00	Concerts in the Park Donation
5/21/21	Edward Jones, Attn: Adam Cabrera, 388300 Forest Blvd, Ste. A, North Branch, MN 55056	Community Ed	\$100.00	Concerts in the Park Donation
5/21/21	Generations Real Estate Group, Attn: Joshua Fagan, P.O. Box 725, North Branch, MN 55056	Community Ed	\$100.00	Concerts in the Park Donation
5/21/21	NB Area Hockey Association, P.O. Box 541, North Branch, MN 55056-0541	NBHS	\$9,771.40	Hockey Rink Electric Donation
5/21/21	Neighborhood National Bank, 5481 St. Croix Trail, North Branch, MN 55056	Community Ed	\$300.00	Concerts in the Park Donation
5/21/21	Stearns Bank, 38877 10th Ave, North Branch, MN 55056	Community Ed	\$100.00	Concerts in the Park Donation
5/25/21	American Legion Post No. 85, 6439 Elm Street, P.O. Box 87, North Branch, MN 55056	NBHS Athletics	\$1,500.00	JROTC Daytona Beach Drill Team
5/31/21	ECE, P.O. Box 39, Braham, MN 55006-0039	NBHS Scholarship A/C	\$4,500.00	Scholarship Donation
			<b>\$19,021.40</b>	

**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 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 accommodations for disabled students.
- B. The school district prohibits the harassment of any individual for any of the categories 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.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. Every school district employee shall be responsible for complying with this policy conscientiously.
- E. 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. 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. § 12101 *et seq.* (Americans with Disabilities Act)

**Cross References:** NB Policy 402 (Disability Nondiscrimination)  
NB Policy 413 (Harassment and Violence)  
NB Policy 521 (Student Disability Nondiscrimination)  
NB Policy 522 (Student Sex Nondiscrimination)

## EMPLOYEES/PERSONNEL

### Equal Employment Opportunity

401

#### I. PURPOSE

The purpose of this policy is to provide equal employment opportunity for all applicants for school district employment and school district employees.

#### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for disabled employees.
- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every school district employee shall be responsible for following this policy.
- E. Any person having a question regarding this policy should discuss it with the Director of Finance and Human Resources.

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

**Cross References:** NB Policy 402 (Disability Nondiscrimination)  
NB Policy 405 (Veteran's Preference)  
NB Policy 413 (Harassment and Violence)

---

#### North Branch Independent School District No. 138: Policy #401

**Adopted:** 4/11/02

**Replaced:** 4111 Recruitment and Selection

**Last Reviewed:**

**Revised:** 10/13/16, 11/8/18

**Effective:** 4/11/02, 10/13/16, 11/8/18

**I. PURPOSE**

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

**II. GENERAL STATEMENT OF POLICY**

- A. The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the Director of Finance and Human Resources. This individual is the school district's appointed ADA/Section 504 coordinator.

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
29 U.S.C. 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)  
29 C.F.R. Part 32  
34 C.F.R. Part 35  
34 C.F.R. Part 104

**Cross References:** NB Policy 521 (Student Disability Nondiscrimination)

# STUDENTS

## School Weapons Policy

501

### I. PURPOSE

The purpose of this policy is to assure a safe school environment for students, staff and the public.

### II. GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in a school location except as provided in this policy. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

### III. DEFINITIONS

#### A. "Weapon"

1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

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

- C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.

---

#### North Branch Independent School District No. 138: Policy #501

**Adopted:** 2/12/98

**Replaced:** Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

**Last Reviewed:**

**Revised:** 6/12/03, 7/10/14, 2/11/16

**Effective:** 2/12/98, 6/12/03, 7/10/14, 2/11/16

**IV. EXCEPTIONS**

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
1. active licensed peace officers;
  2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
  3. persons authorized to carry a pistol under Minn. Stat. § 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
  4. persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with § 97B.045;
    - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
    - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with §§ 624.714 and 624.715.
  5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
  6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
  7. a gun or knife show held on school property;

---

**North Branch Independent School District No. 138: Policy #501****Adopted:** 2/12/98**Replaced:** Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)**Last Reviewed:****Revised:** 6/12/03, 7/10/14, 2/11/16**Effective:** 2/12/98, 6/12/03, 7/10/14, 2/11/16

## STUDENTS

### School Weapons Policy

501

8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
9. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

While the school district does not allow the possession, use, or distribution of weapons by students or nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used, and stored, shall not be considered in violation of the rule against the possession, use, or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

A school district may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the "lawful" carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minn. Stat. § 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

## V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/ DISTRIBUTION

- A. The school district does not allow the possession, use, or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using, or distributing weapons shall include:
1. immediate out-of-school suspension;
  2. confiscation of the weapon;
  3. immediate notification of police;
  4. parent or guardian notification; and

---

North Branch Independent School District No. 138: Policy #501

Adopted: 2/12/98

Replaced: Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

Last Reviewed:

Revised: 6/12/03, 7/10/14, 2/11/16

Effective: 2/12/98, 6/12/03, 7/10/14, 2/11/16

## STUDENTS

### School Weapons Policy

501

5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.
- C. Administrative Discretion

While the school district does not allow the possession, use, or distribution of weapons by students, the superintendent may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

#### VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS

- A. Employees
  1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.
  2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
  3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.
- B. Other Nonstudents
  1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
  2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

---

#### North Branch Independent School District No. 138: Policy #501

**Adopted:** 2/12/98

**Replaced:** Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

**Last Reviewed:**

**Revised:** 6/12/03, 7/10/14, 2/11/16

**Effective:** 2/12/98, 6/12/03, 7/10/14, 2/11/16

# STUDENTS

## School Weapons Policy

501

**Legal References:** Minn. Stat. § 97B.045 (Transportation of Firearms)  
Minn. Stat. § 121A.05 (Referral to Police)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)  
Minn. Stat. § 609.02, Subd. 6 (Definition of Dangerous Weapon)  
Minn. Stat. § 609.605 (Trespass)  
Minn. Stat. § 609.66 (Dangerous Weapons)  
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)  
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)  
18 U.S.C. § 921 (Definition of Firearm)  
*In re C.R.M.* 611 N.W.2d 802 (Minn. 2000)

**Cross References:** NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
NB Policy 506 (Student Discipline)  
NB Policy 525 (Violence Prevention)

---

### North Branch Independent School District No. 138: Policy #501

**Adopted:** 2/12/98

**Replaced:** Policy #5143 Gun-Free Schools, Weapons, Violence Prevention and Discipline (Student)

**Last Reviewed:**

**Revised:** 6/12/03, 7/10/14, 2/11/16

**Effective:** 2/12/98, 6/12/03, 7/10/14, 2/11/16

# STUDENTS

## Search of Student Lockers, Desks, Personal Possessions, and Student's Person

502

### I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the school district's policies against contraband.

### II. GENERAL STATEMENT OF POLICY

#### A. Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials, for any reason, at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

#### B. Desks

School desks are the property of the school district. At no time does the school district relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

#### C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

- D. ~~It shall be a A violation of this policy occurs when~~ for students to use lockers and desks for unauthorized purposes or to store contraband. ~~It shall be a A violation occurs when~~ for students to carry contraband on their person or in their personal possessions.

### III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes but is not limited to weapons and "look-alikes," "alcoholic

---

#### North Branch Independent School District No. 138: Policy #502

**Adopted:** 2/12/98

**Replaced:** Policy #5131.5 Locker Inspection (Student)

**Last Reviewed:**

**Revised:** 6/12/02, 7/10/14, 5/12/16

**Effective:** 6/12/02, 7/10/14, 5/12/16

## STUDENTS

### Search of Student Lockers, Desks, Personal Possessions, and Student's Person

502

beverages", controlled substances and "look-alikes," overdue books and other materials belonging to the school district, and stolen property.

- B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, and clothing.
- C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

#### IV. PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.

---

#### North Branch Independent School District No. 138: Policy #502

**Adopted:** 2/12/98

**Replaced:** Policy #5131.5 Locker Inspection (Student)

**Last Reviewed:**

**Revised:** 6/12/02, 7/10/14, 5/12/16

**Effective:** 6/12/02, 7/10/14, 5/12/16

## STUDENTS

### Search of Student Lockers, Desks, Personal Possessions, and Student's Person

502

- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The school district shall provide a copy of this policy to a student when the student is given use of a locker.

#### V. DIRECTIVES AND GUIDELINES

School administration may establish reasonable directives and guidelines which address specific needs of the school district, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

#### VI. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials for ultimate disposition.

#### VII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline in accordance with the school district's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal officials.

**Legal References:** U. S. Const., amend. IV  
Minn. Const., art. I, § 10  
Minn. Stat. § 121A.72 (School Locker Policy)  
*New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)  
*G.C. v. Owensboro Public Schools*, 711 F.3d 623 (6<sup>th</sup> Cir. 2013)

**Cross Reference:** NB Policy 417 (Chemical Use and Abuse)  
NB Policy 418 (Drug-Free Workplace/Drug-Free School)  
NB Policy 501 (School Weapons)  
NB Policy 506 (Student Discipline)

---

#### North Branch Independent School District No. 138: Policy #502

**Adopted:** 2/12/98

**Replaced:** Policy #5131.5 Locker Inspection (Student)

**Last Reviewed:**

**Revised:** 6/12/02, 7/10/14, 5/12/16

**Effective:** 6/12/02, 7/10/14, 5/12/16

# STUDENTS

## Hazing Prohibition

526

### I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

### II. GENERAL STATEMENT OF POLICY

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

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

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

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

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.

---

#### North Branch Independent School District No. 138: Policy #526

**Adopted:** 12/11/97

**Last Reviewed:**

**Revised:** 4/10/03, 12/11/14, 4/14/16

**Effective:** 12/11/97, 4/10/03, 12/11/14, 4/14/16

26 Hazing Prohibition,

# STUDENTS

## Hazing Prohibition

526

- H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- I. The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

### III. DEFINITIONS

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

---

**North Branch Independent School District No. 138: Policy #526**

**Adopted:** 12/11/97

**Last Reviewed:**

**Revised:** 4/10/03, 12/11/14, 4/14/16

**Effective:** 12/11/97, 4/10/03, 12/11/14, 4/14/16

26 Hazing Prohibition,

## STUDENTS

### Hazing Prohibition

526

- B. “Immediately” means as soon as possible but in no event longer than 24 hours.
- C. “On school premises or school district property, or 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 hazing at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- D. “Remedial response” means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.
- E. “Student” means a student enrolled in a public school or a charter school.
- F. “Student organization” means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

#### IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report hazing 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 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.

The building principal, the principal’s designee, or the building supervisor (hereinafter the “building report taker”) is the person responsible for receiving

---

North Branch Independent School District No. 138: Policy #526

**Adopted:** 12/11/97

**Last Reviewed:**

**Revised:** 4/10/03, 12/11/14, 4/14/16

**Effective:** 12/11/97, 4/10/03, 12/11/14, 4/14/16

26 Hazing Prohibition,

reports of hazing at the building level. Any adult school district personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing 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.

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.

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

#### **V. SCHOOL DISTRICT ACTION**

- A. Within three (3) days of the receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.

---

**North Branch Independent School District No. 138: Policy #526**

**Adopted:** 12/11/97

**Last Reviewed:**

**Revised:** 4/10/03, 12/11/14, 4/14/16

**Effective:** 12/11/97, 4/10/03, 12/11/14, 4/14/16

26 Hazing Prohibition,

## STUDENTS

### Hazing Prohibition

526

- 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 hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited by this policy.
- C. The alleged perpetrator of the hazing 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 hazing 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 the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable school district policies and 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 or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing 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) 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 hazing.

#### 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 hazing, who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing, or who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation,

---

North Branch Independent School District No. 138: Policy #526

**Adopted:** 12/11/97

**Last Reviewed:**

**Revised:** 4/10/03, 12/11/14, 4/14/16

**Effective:** 12/11/97, 4/10/03, 12/11/14, 4/14/16

26 Hazing Prohibition,

## STUDENTS

### Hazing Prohibition

526

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.

#### VII. DISSEMINATION OF POLICY

- A. This policy shall appear in each school's student handbook and in each school's building and staff handbooks.
- B. The school district will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)

**Cross References:** NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
NB Policy 413 (Harassment and Violence)  
NB Policy 506 (Student Discipline)  
NB Policy 514 (Bullying Prohibition Policy)  
NB Policy 525 (Violence Prevention [Applicable to Students and Staff])

---

#### North Branch Independent School District No. 138: Policy #526

**Adopted:** 12/11/97

**Last Reviewed:**

**Revised:** 4/10/03, 12/11/14, 4/14/16

**Effective:** 12/11/97, 4/10/03, 12/11/14, 4/14/16

26 Hazing Prohibition,

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

### 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 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

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

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 Minn. Stat. § 169.446, Subd. 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 may provide student safety education for bicycling and pedestrian safety for students in grades K through 5.
9. The school district shall adopt and make available for public review a curriculum for transportation safety education.
10. 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.

### 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

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

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.

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

j. Do not damage the school 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) Offense (NB change)

Warning – Mailed to parent or guardian

Referral #1 – student & parent contact

Referral #2 – 3-day bus suspension

Referral #3 – 5-day bus suspension

Referral #4 – 10-day bus suspension -- Parent meeting may be held at the discretion of the school district (NB change)

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. All referrals will have student and parent contact. (NB change)

Note: When any elementary (NB change) student goes 60 transportation days without a report, the student's consequences may start over at the first offense.

#### (2) Secondary (7-12) Offense (NB change)

Warning – Mailed to parent or guardian

Referral #1 – student & parent contact

Referral #2 – 5-day bus suspension

Referral #3 – 10-day bus suspension

Referral #4 – 20-day bus suspension – Parent meeting may be held at the discretion of the school district

Further offense – remainder of the year (NB change)

---

### North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

- 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. (NB change)~~

(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.

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

(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. When appropriate, assist student in safely crossing local streets before boarding and after leaving the bus; (NB change)
6. Have their children to the bus stop 5 minutes before the bus arrives;
7. Have their children properly dressed for the weather; and
8. Have a plan in case the bus is late, if school closes early, or if school closes for the day. (NB change)

### 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.

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

## NON INSTRUCTIONAL OPERATIONS

### Student Transportation Safety Policy

709-NB

- 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.
- 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, 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

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

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.
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.

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

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.

### 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.
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.
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 Minn. Stat. § 169.011, Subd. 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

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

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. A type III vehicle cannot be older than 12 years old unless excepted by state and federal law.
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

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

identity and location.

c. A type III vehicle must contain at least three red reflectorized triangle road warning devices. Liquid burning “pot type” flares are not allowed. (NB change)

d. 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;

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

- (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 Minn. Stat. § 122A.18, Subd. 8, or Minn. Stat. § 123B.03 for school district employees; Minn. Stat. § 144.057 or Minn. Stat. Ch. 245C for day care employees; or Minn. Stat. § 171.321, Subd. 3, for all other persons operating a type III vehicle under this section.
  - d. Operators shall submit to a physical examination as required by Minn. Stat. § 171.321, Subd. 2.

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

- e. The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under Minn. Stat. § 181.951, Subds. 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 Minn. Stat. § 171.321, Subd. 5.
  - g. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of violating Minn. Stat. § 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 Minn. Stat. §§ 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 Minn. Stat. § 171.3215, Subd.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 Minn. Stat. § 609.02, of a moving offense in violation of Minn. Stat. Ch. 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 Minn. Stat. § 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 Minn. Stat. § 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

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

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 Minn. Stat. § 171.321, Subd. 2.
  - e. The operator has a valid driver’s license and has not sustained a conviction of a disqualifying offense as set forth in Minn. Stat. § 171.02, Subd. 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

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

## NON INSTRUCTIONAL OPERATIONS

### Student Transportation Safety Policy

709-NB

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).
- 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 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

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS

## Student Transportation Safety Policy

709-NB

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 by Minn. Stat. § 171.321, Subd. 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.

<b>Legal References:</b>	Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)
	Minn. Stat. § 123B.03 (Background Check)
	Minn. Stat. § 123B.42 (Textbooks; Individual Instructor 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. § 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 (Driver Training Programs)
	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)

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

## NON INSTRUCTIONAL OPERATIONS

### Student Transportation Safety Policy

709-NB

Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)

Minn. Stat. § 171.168 (Notification of Conviction for Violation by a Commercial Driver)

Minn. Stat. § 171.169 (Notification of Suspension of License of Commercial Driver)

Minn. Stat. § 171.321 (Qualifications of School Bus Driver)

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. § 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)

#### **Cross References:**

NB Policy 416 (Drug and Alcohol Testing)

NB Policy 506 (Student Discipline)

NB Policy 515 (Protection and Privacy of Pupil Records)

NB Policy 707 (Transportation of Public Students)

NB Policy 708 (Transportation of Nonpublic Students)

NB Policy 710 (Extracurricular Transportation)

---

North Branch Independent School District No. 138: Policy #709-NB

**Adopted:** June 10, 2010

**Replaces:** 3541.35 Student Transportation Safety Policy

**Revised:** April 10, 2014, April 14, 2016

**Effective:** June 10, 2010, April 10, 2014, April 14, 2016

# NON INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Fund Balances

714-NB

### I. PURPOSE

The purpose of this policy is to create new fund balance classifications to allow for more useful fund balance reporting and for compliance with the reporting guidelines specified in Statement No. 54 of the Governmental Accounting Standards Board (GASB).

### II. GENERAL STATEMENT OF POLICY

The policy of this school district is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail.

### III. DEFINITIONS

- A. "Assigned" fund balance amounts are comprised of unrestricted funds constrained by the school district's intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school district's intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.
- B. "Committed" fund balance amounts are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the school board and that remain binding unless removed by the school board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.
- C. "Enabling legislation" means legislation that authorizes a school district to assess, levy, charge, or otherwise mandate payment of resources from external providers and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.
- D. "Fund balance" means the arithmetic difference between the assets and liabilities reported in a school district fund.
- E. "Nonspendable" fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently unspendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.

# NON INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Fund Balances

714-NB

- F. "Restricted" fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.
- G. "Unassigned" fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.
- H. "Unrestricted" fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

#### IV. CLASSIFICATION OF FUND BALANCES

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

#### V. MINIMUM UNASSIGNED FUND BALANCE

It is the goal of the school district to achieve and maintain an unassigned fund balance in the general fund equal to ~~10%~~ 15% of expenditures. The school district considers a balance of less than ~~5%~~ 10% to be cause for concern, barring unusual or deliberate circumstances. (NB change in December 2013)

If unassigned fund balance is projected to fall below ~~5%~~ 10%, the Superintendent will develop a recommendation to the School Board to address fund balance as part of the annual budget process. (NB change in December 2013)

#### VI. ORDER OF RESOURCE USE

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

#### VII. COMMITTING FUND BALANCE

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

#### VIII. ASSIGNING FUND BALANCE

---

North Branch Independent School District No. 138: Policy #714-NB

Adopted: June 9, 2011

Reviewed:

Revised: December 12, 2013

Effective: June 9, 2011, December 12, 2013

# NON INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Fund Balances

714-NB

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following: Superintendent and Director of Finance and Human Resources. Assignments so made shall be reported to the school board on an annual basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

### IX. REVIEW

The school board will conduct an annual review of the sufficiency of the minimum unassigned general fund balance level.

**Legal References:** Statement No. 54 of the Governmental Accounting Standards Board

**Cross References:** MSBA Service Manual, Chapter 7, Education Funding

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

### I. PURPOSE

The purpose of this policy is to ensure compliance with the requirements of the federal Uniform Grant Guidance regulations by establishing uniform administrative requirements, cost principles, and audit requirements for federal grant awards received by the school district.

### II. DEFINITIONS

#### A. Grants

1. "State-administered grants" are those grants that pass through a state agency such as the Minnesota Department of Education (MDE).
2. "Direct grants" are those grants that do not pass through another agency such as MDE and are awarded directly by the federal awarding agency to the grantee organization. These grants are usually discretionary grants that are awarded by the U.S. Department of Education (DOE) or by another federal awarding agency.

B. "Non-federal entity" means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.

C. "Federal award" has the meaning, depending on the context, in either paragraph 1. or 2. of this definition:

1. a. The federal financial assistance that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 C.F.R. § 200.101 (Applicability); or
- b. The cost-reimbursement contract under the federal Acquisition Regulations that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 C.F.R. § 200.101 (Applicability).
2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of 2 C.F.R. § 200.40 (Federal Financial Assistance), or the cost-reimbursement contract awarded under the federal Acquisition Regulations.
3. "Federal award" does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal-government-owned, contractor-operated facilities.

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 1 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

- D. "Contract" means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term, as used in 2 C.F.R. Part 200, does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward.
- E. Procurement Methods
1. "Procurement by micro-purchase" is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (generally \$10,000, except as otherwise discussed in 48 C.F.R. Subpart 2.1 or as periodically adjusted for inflation).
  2. "Procurement by small purchase procedures" are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$250,000 (periodically adjusted for inflation).
  3. "Procurement by sealed bids (formal advertising)" is a publicly solicited and a firm, fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
  4. "Procurement by competitive proposals" is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids.
  5. "Procurement by noncompetitive proposals" is procurement through solicitation of a proposal from only one source.
- F. "Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$5,000.
- G. "Compensation for personal services" includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the federal award, including, but not necessarily limited to, wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in 2 C.F.R. § 200.431 (Compensation - Fringe Benefits).
- H. "Post-retirement health plans" refer to costs of health insurance or health services not included in a pension plan covered by 2 C.F.R. § 200.431(g) for retirees and their spouses, dependents,

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 2 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

and survivors.

- I. "Severance pay" is a payment in addition to regular salaries and wages by the non-federal entities to workers whose employment is being terminated.
- J. "Direct costs" are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.
- K. "Relocation costs" are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period not less than 12 months) of an existing employee or upon recruitment of a new employee.
- L. "Travel costs" are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the school district.

### III. CONFLICT OF INTEREST

- A. Employee Conflict of Interest. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers, and agents of the school district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the school district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by employees, officers, or agents of the school district.
- B. Organizational Conflicts of Interest. The school district is unable or appears to be unable to be impartial in conducting a procurement action involving the related organization because of relationships with a parent company, affiliate, or subsidiary organization.
- C. Disclosing Conflicts of Interest. The school district must disclose in writing any potential conflict of interest to MDE in accordance with applicable federal awarding agency policy.

### IV. ACCEPTABLE METHODS OF PROCUREMENT

- A. General Procurement Standards. The school district must use its own documented procurement procedures which reflect applicable state laws, provided that the procurements conform to the applicable federal law and the standards identified in the Uniform Grant Guidance.

---

North Branch Independent School District No. 138: Policy #721

Adopted: 9/8/16

Replaced:

Last Reviewed:

Revised: 2/13/20

Effective: 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 3 of 17

---

## NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

### Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

- B. The school district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- C. The school district's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
- D. The school district must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- E. The school district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement; selection of the contract type; contractor selection or rejection; and the basis for the contract price.
- F. The school district alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the school district of any contractual responsibilities under its contracts.
- G. The school district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- H. Methods of Procurement. The school district must use one of the following methods of procurement:
  - 1. Procurement by micro-purchases. To the extent practicable, the school district must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the school district considers the price to be reasonable.
  - 2. Procurement by small purchase procedures. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
  - 3. Procurement by sealed bids (formal advertising).
  - 4. Procurement by competitive proposals. If this method is used, the following requirements apply:

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 4 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - b. Proposals must be solicited from an adequate number of qualified sources;
  - c. The school district must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
  - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
  - e. The school district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor can only be used in procurement of A/E professional services; it cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.
5. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:
- a. The item is available only from a single source;
  - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - c. The DOE or MDE expressly authorizes noncompetitive proposals in response to a written request from the school district; or
  - d. After solicitation of a number of sources, competition is determined inadequate.
- I. Competition. The school district must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 5 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When making a clear and accurate description of the technical requirements is impractical or uneconomical, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- J. The school district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the school district must not preclude potential bidders from qualifying during the solicitation period.
- K. Non-federal entities are prohibited from contracting with or making subawards under “covered transactions” to parties that are suspended or debarred or whose principals are suspended or debarred. “Covered transactions” include procurement contracts for goods and services awarded under a grant or cooperative agreement that are expected to equal or exceed \$25,000.
- L. All nonprocurement transactions entered into by a recipient (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions, unless they are exempt as provided in 2 C.F.R. § 180.215.

### V. MANAGING EQUIPMENT AND SAFEGUARDING ASSETS

- A. Property Standards. The school district must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be insured unless required by the terms and conditions of the federal award.

The school district must adhere to the requirements concerning real property, equipment, supplies, and intangible property set forth in 2 C.F.R. §§ 200.311, 200.314, and 200.315.

- B. Equipment

Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, at a minimum, meet the following requirements:

---

North Branch Independent School District No. 138: Policy #721

Adopted: 9/8/16

Replaced:

Last Reviewed:

Revised: 2/13/20

Effective: 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 6 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

1. Property records must be maintained that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to keep property in good condition.
5. If the school district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

### VI. FINANCIAL MANAGEMENT REQUIREMENTS

- A. Financial Management. The school district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.
- B. Payment. The school district must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement between the school district and the financial management systems that meet the standards for fund control.

Advance payments to a school district must be limited to the minimum amounts needed and timed to be in accordance with the actual, immediate cash requirements of the school district in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The school district must make timely payment to contractors in accordance with the contract provisions.

---

North Branch Independent School District No. 138: Policy #721

Adopted: 9/8/16

Replaced:

Last Reviewed:

Revised: 2/13/20

Effective: 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 7 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

- C. Internal Controls. The school district must establish and maintain effective internal control over the federal award that provides reasonable assurance that the school district is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government,” issued by the Comptroller General of the United States, or the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The school district must comply with federal statutes, regulations, and the terms and conditions of the federal award.

The school district must also evaluate and monitor the school district’s compliance with statutes, regulations, and the terms and conditions of the federal award.

The school district must also take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.

The school district must take reasonable measures to safeguard protected personally identifiable information considered sensitive consistent with applicable federal and state laws regarding privacy and obligations of confidentiality.

### VII. ALLOWABLE USE OF FUNDS AND COST PRINCIPLES

- A. Allowable Use of Funds. The school district administration and board will enforce appropriate procedures and penalties for program, compliance, and accounting staff responsible for the allocation of federal grant costs based on their allowability and their conformity with federal cost principles to determine the allowability of costs.
- B. Definitions
1. “Allowable cost” means a cost that complies with all legal requirements that apply to a particular federal education program, including statutes, regulations, guidance, applications, and approved grant awards.
  2. “Education Department General Administrative Regulations (EDGAR)” means a compilation of regulations that apply to federal education programs. These regulations contain important rules governing the administration of federal education programs and include rules affecting the allowable use of federal funds (including rules regarding allowable costs, the period of availability of federal awards, documentation requirements, and grants management requirements). EDGAR can be accessed at: <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.

---

North Branch Independent School District No. 138: Policy #721

Adopted: 9/8/16

Replaced:

Last Reviewed:

Revised: 2/13/20

Effective: 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 8 of 17

---

## NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

### Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

3. "Omni Circular" or "2 C.F.R. Part 200s" or "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" means federal cost principles that provide standards for determining whether costs may be charged to federal grants.
  4. "Advance payment" means a payment that a federal awarding agency or passthrough entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-federal entity disburses the funds for program purposes.
- C. Allowable Costs. The following items are costs that may be allowable under the 2 C.F.R. Part 200s under specific conditions:
1. Advisory councils;
  2. Audit costs and related services;
  3. Bonding costs;
  4. Communication costs;
  5. Compensation for personal services;
  6. Depreciation and use allowances;
  7. Employee morale, health, and welfare costs;
  8. Equipment and other capital expenditures;
  9. Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of federal programs;
  10. Insurance and indemnification;
  11. Maintenance, operations, and repairs;
  12. Materials and supplies costs;
  13. Meetings and conferences;
  14. Memberships, subscriptions, and professional activity costs;
  15. Security costs;

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 9 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

16. Professional service costs;
  17. Proposal costs;
  18. Publication and printing costs;
  19. Rearrangement and alteration costs;
  20. Rental costs of building and equipment;
  21. Training costs; and
  22. Travel costs.
- D. Costs Forbidden by Federal Law. 2 CFR Part 200s and EDGAR identify certain costs that may never be paid with federal funds. The following list provides examples of such costs. If a cost is on this list, it may not be supported with federal funds. The fact that a cost is not on this list does not mean it is necessarily permissible. Other important restrictions apply to federal funds, such as those items detailed in the 2 CFR Part 200s; thus, the following list is not exhaustive:
1. Advertising and public relations costs (with limited exceptions), including promotional items and memorabilia, models, gifts, and souvenirs;
  2. Alcoholic beverages;
  3. Bad debts;
  4. Contingency provisions (with limited exceptions);
  5. Fundraising and investment management costs (with limited exceptions);
  6. Donations;
  7. Contributions;
  8. Entertainment (amusement, diversion, and social activities and any associated costs);
  9. Fines and penalties;
  10. General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs));

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 10 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

11. Goods or services for personal use;
12. Interest, except interest specifically stated in 2 C.F.R. § 200.441 as allowable;
13. Religious use;
14. The acquisition of real property (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs);
15. Construction (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs); and
16. Tuition charged or fees collected from students applied toward meeting matching, cost sharing, or maintenance of effort requirements of a program.

### E. Program Allowability

1. Any cost paid with federal education funds must be permissible under the federal program that would support the cost.
2. Many federal education programs detail specific required and/or allowable uses of funds for that program. Issues such as eligibility, program beneficiaries, caps or restrictions on certain types of program expenses, other program expenses, and other program specific requirements must be considered when performing the programmatic analysis.
3. The two largest federal K-12 programs, Title I, Part A, and the Individuals with Disabilities Education Act (IDEA), do not contain a use of funds section delineating the allowable uses of funds under those programs. In those cases, costs must be consistent with the purposes of the program in order to be allowable.

### F. Federal Cost Principles

1. The Omni Circular defines the parameters for the permissible uses of federal funds. While many requirements are contained in the Omni Circular, it includes five core principles that serve as an important guide for effective grant management. These core principles require all costs to be:
  - a. Necessary for the proper and efficient performance or administration of the program.
  - b. Reasonable. An outside observer should clearly understand why a decision to spend money on a specific cost made sense in light of the cost, needs, and
  - c.

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 11 of 17

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

requirements of the program.

- d. Allocable to the federal program that paid for the cost. A program must benefit in proportion to the amount charged to the federal program – for example, if a teacher is paid 50% with Title I funds, the teacher must work with the Title I program/students at least 50% of the time. Recipients also need to be able to track items or services purchased with federal funds so they can prove they were used for federal program purposes.
  - e. Authorized under state and local rules. All actions carried out with federal funds must be authorized and not prohibited by state and local laws and policies.
  - f. Adequately documented. A recipient must maintain proper documentation so as to provide evidence to monitors, auditors, or other oversight entities of how the funds were spent over the lifecycle of the grant.
- G. Program Specific Fiscal Rules. The Omni Circular also contains specific rules on selected items of costs. Costs must comply with these rules in order to be paid with federal funds.
1. All federal education programs have certain program specific fiscal rules that apply. Determining which rules apply depends on the program; however, rules such as supplement, not supplant, maintenance of effort, comparability, caps on certain uses of funds, etc., have an important impact when analyzing whether a particular cost is permissible.
  2. Many state-administered programs require local education agencies (LEAs) to use federal program funds to supplement the amount of state, local, and, in some cases, other federal funds they spend on education costs and not to supplant (or replace) those funds. Generally, the “supplement, not supplant” provision means that federal funds must be used to supplement the level of funds from non-federal sources by providing additional services, staff, programs, or materials. In other words, federal funds normally cannot be used to pay for things that would otherwise be paid for with state or local funds (and, in some cases, with other federal funds).
  3. Auditors generally presume supplanting has occurred in three situations:
    - a. School district uses federal funds to provide services that the school district is required to make available under other federal, state, or local laws.
    - b. School district uses federal funds to provide services that the school district provided with state or local funds in the prior year.

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 12 of 17

---



# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

extent of professional services that can be provided outside the school district for non-organizational compensation.

### B. Compensation – Fringe Benefits

#### 1. During leave.

The costs of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met:

- a. They are provided under established written leave policies;
- b. The costs are equitably allocated to all related activities, including federal awards; and
- c. The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the school district.

#### 2. The costs of fringe benefits in the form of employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in 2 C.F.R. § 200.447(d)); pension plan costs; and other similar benefits are allowable, provided such benefits are granted under established written policies. Such benefits must be allocated to federal awards and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to such federal awards and other activities and charged as direct or indirect costs in accordance with the school district's accounting practices.

#### 3. Actual claims paid to or on behalf of employees or former employees for workers' compensation, unemployment compensation, severance pay, and similar employee benefits (e.g., post-retirement health benefits) are allowable in the year of payment provided that the school district follows a consistent costing policy.

#### 4. Pension plan costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with the written policies of the school district.

#### 5. Post-retirement costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the school district.

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 14 of 17

---

## NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

### Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

6. Costs of severance pay are allowable only to the extent that, in each case, severance pay is required by law; employer-employee agreement; established policy that constitutes, in effect, an implied agreement on the school district's part; or circumstances of the particular employment.
- C. Insurance and Indemnification. Types and extent and cost of coverage are in accordance with the school district's policy and sound business practice.
- D. Recruiting Costs. Short-term, travel visa costs (as opposed to longer-term, immigration visas) may be directly charged to a federal award, so long as they are:
  1. Critical and necessary for the conduct of the project;
  2. Allowable under the cost principles set forth in the Uniform Grant Guidance;
  3. Consistent with the school district's cost accounting practices and school district policy; and
  4. Meeting the definition of "direct cost" in the applicable cost principles of the Uniform Grant Guidance.
- E. Relocation Costs of Employees. Relocation costs are allowable, subject to the limitations described below, provided that reimbursement to the employee is in accordance with the school district's reimbursement policy.
- F. Travel Costs. Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the school district's non-federally funded activities and in accordance with the school district's reimbursement policies.

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the school district in its regular operations according to the school district's written reimbursement and/or travel policies.

In addition, when costs are charged directly to the federal award, documentation must justify the following:

1. Participation of the individual is necessary to the federal award; and

---

North Branch Independent School District No. 138: Policy #721

Adopted: 9/8/16

Replaced:

Last Reviewed:

Revised: 2/13/20

Effective: 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 15 of 17

---

# NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

## Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

2. The costs are reasonable and consistent with the school district's established travel policy.

Temporary dependent care costs above and beyond regular dependent care that directly results from travel to conferences is allowable provided the costs are:

1. A direct result of the individual's travel for the federal award;
2. Consistent with the school district's documented travel policy for all school district travel; and
3. Only temporary during the travel period.

### **Legal References:**

2 C.F.R. § 200.12 (Capital Assets)  
2 C.F.R. § 200.112 (Conflict of Interest)  
2 C.F.R. § 200.113 (Mandatory Disclosures)  
2 C.F.R. § 200.205(d) (Federal Awarding Agency Review of Risk Posed by Applicants)  
2 C.F.R. § 200.212 (Suspension and Debarment)  
2 C.F.R. § 200.300(b) (Statutory and National Policy Requirements)  
2 C.F.R. § 200.302 (Financial Management)  
2 C.F.R. § 200.303 (Internal Controls)  
2 C.F.R. § 200.305(b)(1) (Payment)  
2 C.F.R. § 200.310 (Insurance Coverage)  
2 C.F.R. § 200.311 (Real Property)  
2 C.F.R. § 200.313(d) (Equipment)  
2 C.F.R. § 200.314 (Supplies)  
2 C.F.R. § 200.315 (Intangible Property)  
2 C.F.R. § 200.318 (General Procurement Standards)  
2 C.F.R. § 200.319(c) (Competition)  
2 C.F.R. § 200.320 (Methods of Procurement to be Followed)  
2 C.F.R. § 200.321 (Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms)  
2 C.F.R. § 200.328 (Monitoring and Reporting Program Performance)  
2 C.F.R. § 200.338 (Remedies for Noncompliance)  
2 C.F.R. § 200.403(c) (Factors Affecting Allowability of Costs)  
2 C.F.R. § 200.430 (Compensation – Personal Services)  
2 C.F.R. § 200.431 (Compensation – Fringe Benefits)  
2 C.F.R. § 200.447 (Insurance and Indemnification)  
2 C.F.R. § 200.463 (Recruiting Costs)  
2 C.F.R. § 200.464 (Relocation Costs of Employees)  
2 C.F.R. § 200.473 (Transportation Costs)

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 16 of 17

## NON-INSTRUCTIONAL OPERATIONS AND BUSINESS SERVICES

### Uniform Grant Guidance Policy Regarding Federal Revenue Sources

721

2 C.F.R. § 200.474 (Travel Costs)

**Cross References:** NB Policy 208 (Development, Adoption, and Implementation of Policies)  
NB Policy 210 (Conflict of Interest – School Board Members)  
NB Policy 210.1 (Conflict of Interest – Charter School Board Members)  
NB Policy 412 (Expense Reimbursement)  
NB Policy 701 (Establishment and Adoption of School District Budget)  
NB Policy 701.1 (Modification of School District Budget)  
NB Policy 702 (Accounting)  
NB Policy 703 (Annual Audit)

---

North Branch Independent School District No. 138: Policy #721

**Adopted:** 9/8/16

**Replaced:**

**Last Reviewed:**

**Revised:** 2/13/20

**Effective:** 9/8/16, 2/13/20

721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources, Page 17 of 17

---

# *2021-22 Budget Summary*

87

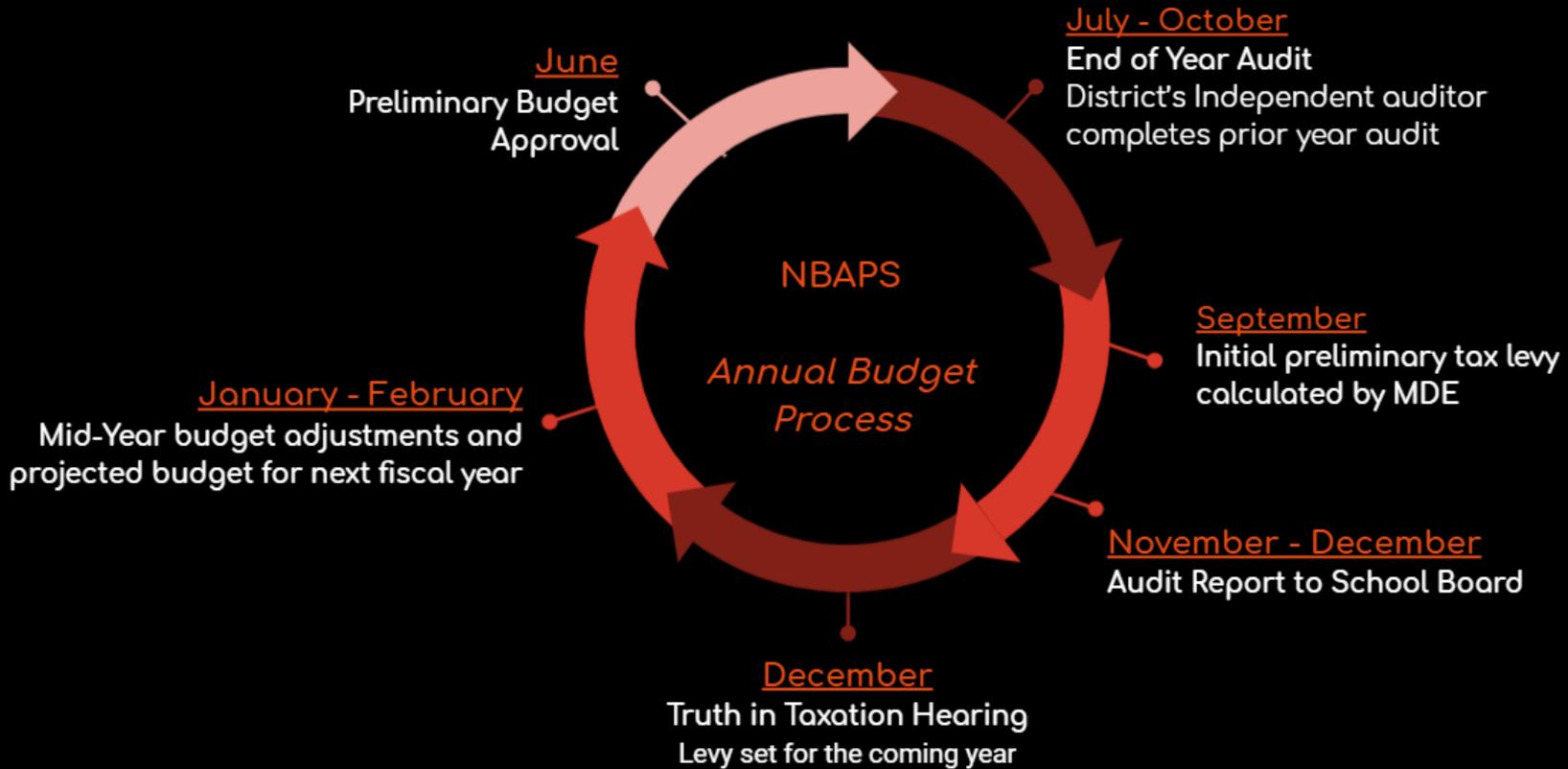


*June 10, 2021*

# Overview

---

- Budget Information was presented at the May 27<sup>th</sup> School Board Work Session
- School Board Approval is requested for a number of budget-related items at the tonight's meeting



# COVID - 19 Costs

---

**Lost Revenue** - Fund 04 Fees from Patrons, Food Service Sales

**Increased Costs** - Distance Learning staff and curriculum, Chromebooks and Hot Spots, transporting at 50% capacity, cleaning supplies and staff, child care, personal protective equipment 90

**Increased Revenue** – Coronavirus Relief Fund (CRF), Elementary and Secondary School Emergency Relief Fund (ESSER), Governor’s Emergency Education Relief Fund (GEER) and funds from Chisago County.

# COVID - 19 Revenue for FY 21

ESSER Revenues Pivot Table						
Finance Level2 (UFARS)	2020	2021	2022	2023	2024	2025
	Amount	Amount	Amount	Amount	Amount	Amount
ESSER 90% TITLE I	\$0	\$238,602	\$989,983	\$0	\$0	\$0
ESSER 9.5% STATE	\$0	\$0	\$0	\$0	\$0	\$0
GEER	\$0	\$130,376	\$0	\$0	\$0	\$0
CRF	\$0	\$679,165	\$0	\$0	\$0	\$0
CARES	\$0	\$165,412	\$0	\$0	\$0	\$0

91

The Association of School Business Officials projected that a school district the size of North Branch Area Public Schools would experience \$1.3 million in additional expenses to have students in school during the pandemic. The additional revenue dedicated to COVID related expenses for FY 21 is \$1,213,555.

# COVID - 19 Costs for FY 21

---

**\$65,905.00** from Staff Development to Fund 04 for staffing of childcare for Tier 1 and Tier 2 workers childcare costs between November 23, 2020 and January 15, 2021

92

**\$65,905.00** TOTAL REQUEST FROM STAFF DEVELOPMENT

This was a very challenging time for our families and providing child care was a greatly appreciated and valued service.

**NORTH BRANCH**  
**Budget / Fund Balance Overview (BUDGET)**  
Proposed Revised Budget for FY 21

	Beginning				End of Year	Net Increase
<i>General Fund - 01</i>	Fund Balance	Revenues	Expenditures	Transfers	Proj. Balance	or Decrease
<b>422 Unassigned Fund Balan</b>	2,156,517	30,862,832	27,685,536	(2,088,456)	3,245,357	1,088,840
	7.38%				9.89%	
<b>Restricted</b>						
401 Student Activities	182,475	369,605	60,000	-	492,080	309,605
402 Scholarships	144,112	-	-	-	144,112	-
403 Staff Development	122,086	381,122	447,653	-	55,555	(66,531)
405 Deferred Maintenance	813,587	-	-	-	813,587	-
407 Capital Projects Levy	14,548	500,000	423,970	-	90,578	76,030
424 Operating Capital	32,149	474,533	739,469	232,787	-	(32,149)
428 Learning and Development	-	559,444	1,722,010	1,162,566	-	93
434 Area Learning Center	-	116,800	470,187	353,387	-	-
438 Gifted and Talented	-	37,723	126,351	88,628	-	-
441 Basic Skills Programs	-	583,511	613,972	30,461	(0)	(0)
449 Safe Schools Levy	130,589	102,014	130,259	-	102,344	(28,245)
459 Basic Skills Extended Time	38,228	-	13,503	-	24,725	(13,503)
467 Long-Term Facilities Maint	-	216,811	371,533	154,722	-	-
472 Medical Assistance	-	79,207	12,749	-	66,458	66,458
<b>Subtotal Restricted</b>	<b>1,477,774</b>	<b>3,420,770</b>	<b>5,131,656</b>	<b>2,022,551</b>	<b>1,789,439</b>	<b>311,665</b>
<b>460 Nonspendable</b>	<b>28,431</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>28,431</b>	<b>-</b>
<b>Total General Fund</b>	<b>3,662,722</b>	<b>34,283,602</b>	<b>32,817,192</b>	<b>(65,905)</b>	<b>5,063,227</b>	<b>1,400,505</b>

<b>Food Service Fund - 02</b>								
460 Nonspendable		30,027	-	-	-	30,027	-	
464 Restricted		71,893	1,453,801	1,478,488	-	47,206	(24,687)	
<b>Total Food Service</b>		<b>101,920</b>	<b>1,453,801</b>	<b>1,478,488</b>	<b>-</b>	<b>77,233</b>	<b>(24,687)</b>	
<b>Community Services - 04</b>								
460 Nonspendable		2,277	-	-	-	2,277.00	-	
464 Restricted		(23,483)	14,743	13,170	-	(21,910)	1,573	
<b>Restricted / Reserved</b>								
431 Community Education		(6,730)	1,312,724	1,283,362	-	22,632	29,362	
432 Early Childhood		100,956	110,160	169,621	-	41,495	(59,461)	
444 School Readiness		(14,655)	110,030	146,877	65,905	14,403	29,058	
447 Adult Basic Education		-	-	65	-	(65)	(65)	
<b>Restricted/Reserved - Subtotal</b>		<b>79,571</b>	<b>1,532,914</b>	<b>1,599,925</b>	<b>65,905</b>	<b>78,465</b>	<b>(1,106)</b>	
<b>Total Community Education</b>		<b>58,365</b>	<b>1,547,657</b>	<b>1,613,095</b>	<b>65,905</b>	<b>58,832</b>	<b>467</b>	
<b>Construction - 06</b>								
413 Building Projects		3,479,427	-	-	-	3,479,427	94	
467 Long-Term Facilities Maint		3,066,687	-	-	-	3,066,687	-	
<b>Restricted/Reserved - Subtotal</b>		<b>6,546,114</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>6,546,114</b>	<b>-</b>	
464 Restricted		-	10,000	6,546,115	-	(6,536,115)	(6,536,115)	
<b>Total Construction Fund</b>		<b>6,546,114</b>	<b>10,000</b>	<b>6,546,115</b>	<b>-</b>	<b>9,999</b>	<b>(6,536,115)</b>	
464 Restricted		-	5,461,179	5,301,132	-	160,047	160,047	
463 Unassigned		952,641	-	-	-	952,641	-	
<b>Total Debt Service Fund</b>		<b>-</b>	<b>5,461,179</b>	<b>5,301,132</b>	<b>-</b>	<b>160,047</b>	<b>160,047</b>	
<b>Internal Service Fund - 20</b>		<b>-</b>	<b>280,000</b>	<b>240,000</b>	<b>-</b>	<b>40,000</b>	<b>40,000</b>	
<b>OPEB Irrevocable Trust - 45</b>		<b>3,084,140</b>	<b>165,000</b>	<b>375,000</b>	<b>-</b>	<b>2,874,140</b>	<b>(210,000)</b>	
464 Restricted		-	404,000	406,500	-	(2,500)	(2,500)	
<b>Total OPEB Debt Service Fund</b>		<b>-</b>	<b>404,000</b>	<b>406,500</b>	<b>-</b>	<b>(2,500)</b>	<b>(2,500)</b>	

# Budgets for FY 22

## Proposed FY 22 Budget

	Projected 2022
<b>General Fund</b>	
Total Revenue	\$33,173,330
Total Expenditures	32,849,178
<b>Spending Variance</b>	<b><u>\$324,152</u></b>
<b>Fund Balance Detail</b>	
Student Activities 401	\$801,685
Scholarships 402	144,112
Capital Projects Levy 407	161,588
Separation/Retirement Benefits 418	243,901
Unassigned 422	3,570,867
Safe Schools Levy 449	73,469
Basic Skills Extended Time 459	10,665
Nonspendable 460	28,431
Assigned 462	102,918
Long-Term Facilities Maint 467	504,054
Medical Assistance 472	171,520
<b>TOTAL FUND BALANCE</b>	<b><u>\$5,813,210</u></b>

# Budgets for FY 22

## Proposed FY 22 Budget

		Projected 2022
<b>Food Service Fund</b>		
Total Revenue		\$1,453,804
Total Expenditures		1,479,258
<b>Spending Variance</b>		<b>-\$25,454</b>
<b>Fund Balance Detail</b>		
Nonspendable	460	\$30,027
Restricted	464	21,755
<b>TOTAL FUND BALANCE</b>		<b>\$51,782</b>

<b>Community Service Fund</b>		
Total Revenue		\$1,625,876
Total Expenditures		1,511,052
<b>Spending Variance</b>		<b>\$114,824</b>
<b>Fund Balance Detail</b>		
Community Education	431	313,807
Early Childhood	432	46,299
School Readiness	444	-80,357
Adult Basic Education	447	-130
Nonspendable	460	2,277
Unassigned	463	-23,483
Restricted	464	-120,662
<b>TOTAL FUND BALANCE</b>		<b>\$137,751</b>

# Budgets for FY 22

## Proposed FY 22 Budget

		Projected 2022
<b>Building Construction Fund</b>		
Total Revenue		\$10,000
Total Expenditures		0
<b>Spending Variance</b>		<b>\$10,000</b>
<b>Fund Balance Detail</b>		
Restricted	464	-3,046,687
Long-Term Facilities Maint	467	3,066,687
<b>TOTAL FUND BALANCE</b>		<b>\$20,000</b>
<b>Debt Service Fund</b>		
Total Revenue		\$5,468,179
Total Expenditures		5,301,132
<b>Spending Variance</b>		<b>\$167,047</b>
<b>Fund Balance Detail</b>		
Restricted	464	1,154,556
<b>TOTAL FUND BALANCE</b>		<b>\$1,154,556</b>
<b>Internal Service Fund</b>		
Total Revenue		\$280,000
Total Expenditures		0
<b>Spending Variance</b>		<b>\$280,000</b>
Unassigned	422	862,006

# Budgets for FY 22

## Proposed FY 22 Budget

		Projected 2022
<b>Postemployment Benefits Irrevocable Trust Fund</b>		
Total Revenue		\$165,000
Total Expenditures		375,000
<b>Spending Variance</b>		<b>-\$210,000</b>
Unassigned	422	3,084,140
<b>Postemployment Benefits Debt Service Fund</b>		
Total Revenue		\$404,044
Total Expenditures		406,500
<b>Spending Variance</b>		<b>-\$2,456</b>
Restricted Fund Balance	464	125,179
<b>ALL FUNDS</b>		<b>\$11,248,623</b>

# NORTH BRANCH PUBLIC SCHOOLS

Scenario Name:

*Proposed Revised FY 21 and Proposed FY 22*

	2021	2022	2023	2024	2025	2026
	CURRENT YEAR	Proj. Yr (1)	Proj. Yr (3)	Proj. Yr (2)	Proj. Yr (4)	Proj. Yr (5)
Unassigned Fund Balance Goal %	10%	10%	10%	10%	10%	10%
Pupil Unit Value	\$6,567	\$6,633	\$6,699	\$6,766	\$6,834	\$6,902
<b>REVENUES</b>						
Property Taxes	\$3,828,554	\$4,339,074	\$3,942,733	\$3,900,188	\$3,775,408	\$3,716,849
State	\$26,183,649	\$24,786,429	\$24,026,936	\$23,719,946	\$22,958,368	\$22,452,456
Federal	\$1,837,661	\$1,779,501	\$789,518	\$789,518	\$789,518	\$789,518
Other Local	\$2,433,738	\$2,268,326	\$2,268,326	\$2,268,326	\$2,268,326	\$2,268,326
<b>Total Revenue</b>	<b>34,283,602</b>	<b>33,173,330</b>	<b>31,027,513</b>	<b>30,677,978</b>	<b>29,791,620</b>	<b>29,227,149</b>
% Revenue Change	7.00%	-3.24%	-6.47%	-1.13%	-2.89%	-1.89%
<b>EXPENDITURES</b>						
Salaries & Wages	\$16,851,867	\$17,046,289	\$17,681,440	\$18,338,821	\$19,019,211	\$19,723,415
Benefits	\$5,850,470	\$5,688,034	\$5,820,885	\$5,958,125	\$6,071,228	\$6,188,290
All Other	\$10,114,855	\$10,114,855	\$10,114,855	\$10,114,855	\$10,114,855	\$10,114,855
<b>Total Expenditures</b>	<b>\$32,817,192</b>	<b>\$32,849,178</b>	<b>\$33,617,180</b>	<b>\$34,411,802</b>	<b>\$35,205,294</b>	<b>\$36,026,560</b>
% Expenditure Change	12.37%	0.10%	2.34%	2.36%	2.31%	2.33%
<b>Spending Variance</b>	<b>\$1,466,410</b>	<b>\$324,152</b>	<b>(\$2,589,667)</b>	<b>(\$3,733,824)</b>	<b>(\$5,413,674)</b>	<b>(\$6,799,411)</b>

**22 Long-Term Facilities Maintenance (LTFM) Ten-Year Revenue Projection Revised 5/27/2021**

**138 <= Type in School District Number**

**NORTH BRANCH PUBLIC SCHOOLS**

*Calculations for Ten Year Projection*

	Pay 20	Payable 2022 LLC Certification	Current Estimate									
	LLC #	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
1												
2												
3												
4												
5												100
6	57	2,965.80	2,976.56	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96
6a												
6b			2,976.56	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96	2,939.96
7	451	31.55	32.55	33.55	34.55	35.55	36.55	37.55	38.55	39.55	40.55	41.55
8		\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00
9	452		0.93000	0.95857	0.98714	1.00000	1.00000	1.00000	1.00000	1.00000	1.00000	1.00000
10	453	1,015,914	1,051,915	1,070,901	1,102,820	1,117,184	1,117,184	1,117,184	1,117,184	1,117,184	1,117,184	1,117,184
11												
12	702		-	-	-	-	-	-	-	-	-	-
13	756		-	-	-	-	-	-	-	-	-	-

Instructions: Enter estimated, allowable LTFM expenditures (Fund 01 and/or Fund 06 only) under Minnesota Statutes, section 123B.595, subdivision 10. Enter by Uniform Financial and Accounting Reporting Standards (UFARS) finance code and by fiscal year in the cells provided.

District Info.		Enter Information		District Info.		Enter Information		Fiscal Year (FY) Ending June 30 2022														
District Name:		North Branch Area Public Schools		Date:	5/27/2021																	
District Number:		0138		Email:	ttetzlaf@isd138.org																	
District Contact Name:		Todd Tetzlaf																				
Contact Phone #:		651674 1009																				
<b>Expenditure Categories</b>		<b>Baseline 2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>2030</b>	<b>2031</b>										
<b>Health and Safety - this section excludes project costs in Category 2 of \$100,000 or more for which additional revenue is requested for Finance Codes</b>																						
<b>Finance Code</b>	<b>Category (1)</b>																					
347	Physical Hazards	\$14,112	\$14,394	\$14,682	\$14,976	\$15,275	\$15,581	\$15,892	\$16,210	\$16,534	\$16,865	\$17,202										
349	Other Hazardous Materials	\$9,200	\$9,384	\$9,572	\$9,763	\$9,958	\$10,158	\$10,361	\$10,568	\$10,773	\$10,995	\$11,215										
352	Environmental Health and Safety Management	\$23,899	\$48,679	\$49,652	\$50,645	\$51,658	\$52,691	\$53,745	\$54,820	\$55,917	\$57,035	\$58,176										
358	Asbestos Removal and Encapsulation	\$3,121	\$3,183	\$3,247	\$3,312	\$3,378	\$3,446	\$3,515	\$3,585	\$3,657	\$3,730	\$3,804										
363	Fire Safety	\$37,776	\$18,532	\$18,902	\$19,280	\$19,666	\$20,059	\$20,460	\$20,870	\$21,287	\$21,713	\$22,147										
366	Indoor Air Quality	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0										
<b>Total Health and Safety Capital Projects</b>		<b>\$88,108</b>	<b>\$94,172</b>	<b>\$96,055</b>	<b>\$97,977</b>	<b>\$99,936</b>	<b>\$101,935</b>	<b>\$103,973</b>	<b>\$106,053</b>	<b>\$108,174</b>	<b>\$110,337</b>	<b>\$112,544</b>										
<b>Health and Safety - Projects Costing \$100,000 or more per Project/Site/Year</b>																						
<b>Finance Code</b>	<b>Category (2)</b>																					
358	Asbestos Removal and Encapsulation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0										
363	Fire Safety	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0										
366	Indoor Air Quality	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0										
<b>Total Health and Safety Capital Projects \$100,000 or More</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>										
<b>Remodeling for Approved Voluntary Pre-K under Minnesota Statutes, section</b>																						
<b>Finance Code</b>	<b>Category (3)</b>																					
355	Remodeling for prekindergarten (Pre-K) instruction approved by the commissioner.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0										
<b>Total Remodeling for Approved Voluntary Pre-K Projects</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>										
<b>Accessibility</b>																						
<b>Finance Code</b>	<b>Category (4)</b>																					
367	Accessibility	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0										
<b>Total Accessibility Projects</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>										
<b>Deferred Capital Expenditures and Maintenance Projects</b>																						
<b>Finance Code</b>	<b>Category (5)</b>																					
368	Building Envelope	\$22,559	\$0	\$0	\$0	\$0	\$0	\$0	\$50,000	\$50,000	\$300,000	\$300,000										
369	Building Hardware and Equipment	\$19,269	\$14,000	\$9,000	\$25,000	\$25,000	\$24,000	\$24,000	\$25,000	\$25,000	\$25,000	\$25,000										
370	Electrical	\$26,202	\$25,000	\$30,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$40,000	\$40,000										
379	Interior Surfaces	\$55,180	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$200,000	\$200,000										
380	Mechanical Systems	\$343,433	\$50,000	\$50,000	\$50,000	\$70,000	\$120,000	\$120,000	\$50,000	\$50,000	\$405,000	\$300,000										
381	Plumbing	\$72,865	\$0	\$0	\$25,000	\$0	\$0	\$25,000	\$50,000	\$0	\$0	\$105,000										
382	Professional Services and Salary	\$44,063	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$15,000	\$15,000	\$15,000	\$28,000	\$10,000										
383	Roof Systems	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0										
384	Site Projects	\$52,468	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$18,000										
<b>Total Deferred Capital Expense and Maintenance</b>		<b>\$636,039</b>	<b>\$109,000</b>	<b>\$109,000</b>	<b>\$145,000</b>	<b>\$140,000</b>	<b>\$189,000</b>	<b>\$219,000</b>	<b>\$225,000</b>	<b>\$215,000</b>	<b>\$998,000</b>	<b>\$998,000</b>										
<b>Total Annual 10-Year Plan Expenditures</b>		<b>\$724,147</b>	<b>\$203,172</b>	<b>\$205,055</b>	<b>\$242,977</b>	<b>\$239,936</b>	<b>\$290,935</b>	<b>\$322,973</b>	<b>\$331,053</b>	<b>\$323,174</b>	<b>\$1,108,337</b>	<b>\$1,110,544</b>										

101

# School Board Action

---

- Action to adopt the revised FY 21 budget and the proposed FY 22 budget
- Action to authorize transfer of reserved funds to community education
- Action to approve fees and meal prices for FY 22
- Action to approve LTFM budget for FY 22
- Action on establishing committed fund balance for severance

102

# *Questions?*

103



*June 10, 2021*

# Qcomp

North Branch Area Public Schools

104

David Treichel  
Director of Teaching and  
Learning

Michelle Trunk  
Instructional Coach  
District Qcomp PLC Facilitator

- Career Ladder/Advancement Options
- Job-embedded Professional Development
- Teacher Evaluation/Observation
- Performance Pay is linked to student achievement data.
- Alternate Salary Schedule

105

Q- Comp Statutory Components

- Professional Development
- Observations
- Professional Learning Communities

In the Year of COVID

School Year 2021-2022

107

Next Steps

EXTRACT OF MINUTES OF MEETING  
OF SCHOOL BOARD  
OF INDEPENDENT SCHOOL DISTRICT NO. 138  
(NORTH BRANCH AREA PUBLIC SCHOOLS)  
STATE OF MINNESOTA

HELD: June 10, 2021

Pursuant to due call and notice thereof, a regular meeting of the School Board of Independent School District No. 138 (North Branch Area Public Schools), State of Minnesota, was held in said school district on June 10, 2021, at 5:30 o'clock p.m., for the purpose, in part, of establishing dates for filing affidavits of candidacy for the November 2, 2021, school district special election.

The following members were present:

and the following were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION ESTABLISHING DATES  
FOR FILING AFFIDAVITS OF CANDIDACY**

BE IT RESOLVED by the School Board of Independent School District No. 138, 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. 138 shall begin on July 27, 2021 and shall close on August 10, 2021. 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 10, 2021. The affidavit of candidacy must state that the person is filing to fill the vacancy in term expiring January 2, 2023.

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. Publication of said notice prior to the date of adoption of this resolution is hereby ratified and approved in all respects.

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. 138  
(NORTH BRANCH AREA PUBLIC SCHOOLS)  
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. 138 shall begin on July 27, 2021, and shall close at 5:00 o'clock p.m. on August 10, 2021.

The special election shall be held on Tuesday, November 2, 2021. At that special election, one individual will be elected to fill a vacancy in term expiring January 2, 2023.

Affidavits of Candidacy are available from the school district clerk, Independent School District No. 138, 38705 Grand Ave, North Branch, MN 55056. 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 special election, and must have no other affidavit on file for any other office at the same 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 10, 2021.

Dated: June 10, 2021

BY ORDER OF THE SCHOOL BOARD

/s/ \_\_\_\_\_  
School District Clerk  
Independent School District No. 138  
(North Branch Area Public Schools)  
State of Minnesota

The motion for the adoption of the foregoing resolution was duly seconded by \_\_\_\_\_ . On a roll call vote, the following voted in favor:  
and the following voted against:  
whereupon said resolution was declared duly passed and adopted.





*Where Minnesota School Boards Learn to Lead*

May 2021

Dear Superintendent:

Thank you for your membership in the Minnesota School Boards Association for the past year. MSBA's Board and staff have worked hard to become your go-to organization. MSBA will always go the extra mile for our members:

- Our dedicated staff prides itself on anticipating member needs through engagement, analyzing national and state directives, working with other educational organizations, and providing training to build high-performing boards.
- Your MSBA staff is solution-driven. We will find the answer promptly or get you to someone with the answer. In all our interactions, we strive to make your board a high-performing board that can meet the high expectations of your staff, students, and community.
- Legal and legislative advocacy are essential services of MSBA. As a statewide organization and a leading advocate for public education, we pride ourselves in finding a path forward that benefits all our school districts, regardless of shape and size.
- Like you, we care deeply about the success of all Minnesota's public school students. Through our collective, member-driven mission, our goal is to support, promote, and strengthen the work of our public school boards.

Our Association is stronger when our members are stronger. Now is the time to continue investing in your future. Your dues invoice is enclosed, along with a renewal notice for those districts in MSBA's Policy Services. Please note that an MSBA Bylaws change, approved by the Association membership in January 2021, moved the deadline for membership dues payment to August 15 of each fiscal year. We have been by your side over the last challenging 14 months, and we look forward to helping you get back to better. We wish you a successful 2021-2022 school year and hope to continue as your valued and trusted Association. If you have questions, please do not hesitate to call your Association office at 800-324-4459.

Sincerely,

Kirk Schneidawind, Executive Director  
[kschneidawind@mnmsba.org](mailto:kschneidawind@mnmsba.org)

Michael Domin, President  
[mdomin@ci.k12.mn.us](mailto:mdomin@ci.k12.mn.us)

enc.

**MINNESOTA SCHOOL BOARDS ASSOCIATION**

1900 West Jefferson Avenue, St. Peter, MN 56082-3015 Phone: 507-934-2450 or 800-324-4459  
[www.mnmsba.org](http://www.mnmsba.org)

## THE POWER OF MEMBERSHIP

In the unprecedented year of 2020, your MSBA pivoted to support, promote, and strengthen your work

1. Assisted school districts during COVID-19 with an MSBA School Reopening Guide, regular updates with state leaders, monthly webinars on relevant and emerging issues and continuous training opportunities for board members



2.

Responded to more than 14,500 calls and emails, and logged 521,224 web views

3.



Trained 1,244 members in our Learning to Lead (Phase) workshops

4.



Protected 387 school districts, co-ops, and charter schools through the Minnesota School Boards Association Insurance Trust (MSBAIT)

5.



Advocated for and against 77 bills through the Legislature and brought 11 resolutions to MSBA's Delegate Assembly



Minnesota School Boards Association  
1900 West Jefferson Ave  
St. Peter, MN 56082-3015  
507-934-2450 or 800-324-4459

MAY 27 2021

# INVOICE

ISD #138  
NORTH BRANCH. MN

ATTN: Superintendent  
I.S.D. 138  
PO BOX 370  
NORTH BRANCH, MN 55056-0370

Invoice No: 27561Q2B8T4  
Invoice Date: 5/25/2021  
Acct No: 293  
Due Date: **8/15/2021**  
PO Number:

Invoice Item	Qty	Unit Price	Extended
Association Dues (FY 7/1/21 to 6/30/22)	1	\$7,678.00	\$7,678.00
BoardBook Subscription Tier I	1	\$2,100.00	\$2,100.00
Policy Services Renewal (FY 7/1/21 to 6/30/22)	1	\$730.00	\$730.00
		Subtotal:	\$10,508.00
		Amount Paid:	\$0.00
		Balance Due:	\$10,508.00

Dues for **ISD #138** are based on 2618.87 "Average Daily Membership of Students Served" for the fiscal year ended June 30, 2020, as provided by the Minnesota Department of Education.

**MSBA is not able to accept Credit, Debit, or Procurement Cards as a method of payment of your 2021-22 Dues Invoice. Please remit payment of this invoice to MSBA by CHECK. Thank you for your cooperation.**

In accordance with IRS Code Sec. 6113, contributions or gifts (including membership dues) to MSBA are not deductible as charitable contributions for Federal income tax purposes.

# SCHOOL BOARD

## Out-of-State Travel by School Board Members

214-NB

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

Section III was added in 2006 when it was adopted making it a NB policy. When the policy was reviewed in 2016, it was agreed to still keep this section. The Policy Committee is recommending removing this language. It will no longer be a NB policy.

### III. SCHOOL BOARD LIMITATIONS

~~In order for board members to attend, they must meet the following criteria:~~

~~A. Board members will have the support of the majority of the school board.~~

~~B. Board members will not receive per diem payments during convention participation.~~

~~C. Board members will not be reimbursed for any side trips that are offered as part of the convention package that are for personal enjoyment.~~

### IV. APPROPRIATE TRAVEL

Travel outside the state is appropriate when the school board finds it proper for school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to regional or national meetings of the National School Boards Association is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the school district should be preapproved by the school board.

### V. REIMBURSABLE EXPENSES

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses.

---

North Branch Independent School District No. 138: Policy 214-NB

Adopted: 1/26/06

Replaces: 9500 National Conventions

Last Reviewed:

Revised: 7/14/16

Effective: 1/26/06, 7/14/16

# SCHOOL BOARD

## Out-of-State Travel by School Board Members

214-NB

### VI. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the school board's approved budget allocations, including attendance at workshops and conventions.

### VII. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The superintendent shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal Reference:** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)  
Minn. Stat. § 471.661 (Out-of-State Travel)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. No. 1035 (Aug. 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. No. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

**Cross References:** NB Policy 212 (School Board Member Development)  
NB Policy 412 (Expense Reimbursement)

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

#### I. PURPOSE

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its personnel.

#### II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.
- B. All other data on individuals is private or confidential.

#### III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to school district staff who need it to conduct the business of the school district.
- C. "Confidential" means the data is not available to the subject.
- D. "Parking space leasing data" means the following government data on an application for, or lease of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. "Personnel data" means government data on individuals maintained because they are or were employees of the school district, applicants for employment, or volunteers or independent contractors for the school district, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school district by an employee as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.
- G. "Protected health information" means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. "Protected health information" excludes health information in education records covered by the federal Family Educational Rights and Privacy Act and employment records held by a school district in its role as employer.
- H. "Public officials" means business managers; human resource directors; athletic directors whose

---

North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

duties include at least 50 percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals.

#### IV. PUBLIC PERSONNEL DATA

- A. The following information on employees, including volunteers and independent contractors, is public:
1. name;
  2. employee identification number, which may not be the employee's social security number;
  3. actual gross salary;
  4. salary range;
  5. terms and conditions of employment relationship;
  6. contract fees;
  7. actual gross pension;
  8. the value and nature of employer-paid fringe benefits;
  9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
  10. job title;
  11. bargaining unit;
  12. job description;
  13. education and training background;
  14. previous work experience;
  15. date of first and last employment;
  16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

---

#### North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

17. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
  18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
  19. work location;
  20. work telephone number;
  21. badge number;
  22. work-related continuing education;
  23. honors and awards received; and
  24. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.
- B. The following information on applicants for employment is public:
1. veteran status;
  2. relevant test scores;
  3. rank on eligible list;
  4. job history;
  5. education and training; and
  6. work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.

---

#### North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

- D. Applicants for appointment to a public body.
1. Data about applicants for appointment to a public body are private data on individuals except that the following are public:
    - a. name;
    - b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
    - c. education and training;
    - d. employment history;
    - e. volunteer work;
    - f. awards and honors;
    - g. prior government service;
    - h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minn. Stat. § 15.0597; and
    - i. veteran status.
  2. Once an individual is appointed to a public body, the following additional items of data are public:
    - a. residential address;
    - b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
    - c. first and last dates of service on the public body;
    - d. the existence and status of any complaints or charges against an appointee; and
    - e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
  3. Notwithstanding paragraph 2., any electronic mail address or telephone number

---

North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

- E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.
- F. Data relating to a complaint or charge against a public official is public only if: (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that is classified as private under another law is not made public by this provision.

#### V. PRIVATE PERSONNEL DATA

- A. All other personnel data are private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected or maintained by the school district to administer employee assistance programs are private.
- D. Parking space leasing data are private.
- E. An individual's checking account number is private when submitted to a government entity.
- F. Personnel data may be disseminated to labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.
- G. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.
- H. The school district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the

---

North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

concerns for safety to:

1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
  2. a pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
  3. a court, law enforcement agency, or prosecuting authority.
- I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- J. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school district determines that the employee's access to that data would:
1. threaten the personal safety of the complainant or a witness; or
  2. subject the complainant or witness to harassment.
- If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.
- L. The school district shall make any report to the Minnesota Professional Educator Licensing and Standards Board or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- M. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.
- N. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be

---

**North Branch Independent School District No. 138: Policy #406**

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

released for purposes of informing a parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- O. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.
- P. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private.
- Q. Health information on employees is private unless otherwise provided by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.
- R. Personal home contact information for employees may be used by the school district and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- T. When a teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Minnesota Professional Educator Licensing and Standards Board and the licensing division at MDE with the necessary and

---

North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

relevant information to enable the Minnesota Professional Educator Licensing and Standards Board and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Minnesota Professional Educator Licensing and Standards Board and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

#### VI. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data are private.

#### VII. CHANGE IN CLASSIFICATIONS

The school district shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

#### VIII. RESPONSIBLE AUTHORITY

The school district has designated [*name and title, telephone*] as the authority responsible for personnel data. If you have any questions, contact [*him/her*].

#### IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

An employee authorization form is included as an addendum to this policy.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Stat. § 13.39 (Civil Investigation Data)  
Minn. Stat. § 13.43 (Personnel Data)  
Minn. Stat. § 13.601, Subd. 3 (Elected and Appointed Officials)  
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)  
Minn. Stat. § 122A.40, Subds. 13 and 16 (Employment; Contracts; Termination)  
Minn. Stat. § 626.556, Subd. 7 (Reporting of Maltreatment of Minors)  
P.L. 104-191 (HIPAA)

---

North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Public and Private Personnel Data

406

45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

**Cross References:** NB Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
NB Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin "1" (School Records – Privacy – Access to Data)

---

North Branch Independent School District No. 138: Policy #406

**Adopted:** 4/9/98

**Last Reviewed:**

**Revised:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Effective:** 5/13/04, 1/12/12, 10/8/15, 10/13/16, 5/9/19

**Public and Private Personnel Data (Form for Policy 406)  
Consent to Release Personnel Data – Request from an Individual**

*An individual asks the government entity to release his/her private data to an outside entity or person. Because the entity does not have statutory authority to release the data, it must get the individual's written informed consent.*

**Explanation of Your Rights**

If you have a question about anything on this form, or would like more explanation, please talk to \_\_\_\_\_ before you sign it.  
[entity contact person name and contact information]

I, \_\_\_\_\_, give my permission for \_\_\_\_\_  
[name of individual data subject] [name of government entity]

to release data about me to \_\_\_\_\_ as described on this form.  
[name of other entity or person]

1. The specific data I want \_\_\_\_\_ to release \_\_\_\_\_.  
[name of government entity] [explanation of data]
2. I understand that I have asked \_\_\_\_\_ to release the data.  
[name of government entity]
3. I understand that although the data are classified as private at \_\_\_\_\_, the  
[name of government entity]  
classification/treatment of the data at \_\_\_\_\_ depends on laws or  
[name of other entity or person]  
policies that apply to \_\_\_\_\_.  
[name of other entity or person]

This authorization to release expires \_\_\_\_\_.  
[date/time of expiration]

Individual data subject's signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/guardian's signature [if needed] \_\_\_\_\_ Date \_\_\_\_\_

# EMPLOYEES/PERSONNEL

## Expense Reimbursement

412

### I. PURPOSE

The purpose of this policy is to identify school district business expenses that involve initial payment by an employee and qualify for reimbursement from the school district, and to specify the manner by which the employee seeks reimbursement.

### II. AUTHORIZATION

All school district business expenses to be reimbursed must be approved by the supervising administrator. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district business-related expenses.

### III. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.

### IV. AIRLINE TRAVEL CREDIT

- A. Employees utilizing school district funds to pay for airline travel are required to ensure that any credits or other benefits issued by any airline accrue to the benefit of the school district rather than the employee.
  - 1. To the extent an airline will not honor a transfer or assignment of credit or benefit from the employee to the school district, the employee shall report receipt of the credit or benefit to the designated administrator within 90 days of receipt of the credit or benefit.
  - 2. Reports of the receipt of an airline credit or benefit shall be made in writing and shall include verification from the airline as to the credit or benefit received. Reimbursement for airline travel expenses will not be made until such documentation is provided.
- B. Employees who have existing credits or benefits issued by an airline based upon previously reimbursed airline travel for school district purposes will be required to utilize those credits or

---

North Branch Independent School District No. 138: District Policy 412

Adopted: 8/9/12

Replaced:

Last Reviewed:

Revised:

Effective Date: 8/9/12

412 Expense Reimbursement, page 1 of 2

## EMPLOYEES/PERSONNEL

### Expense Reimbursement

412

benefits toward any subsequent airline travel related to school district purposes, prior to reimbursement for such travel, to the extent permitted and/or feasible.

- C. The requirements of this section apply to all airline travel, regardless of where or how the tickets are purchased.

#### V. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The superintendent shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal References:** Minn. Stat. § 15.435 (Airline Travel Credit)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)  
Minn. Op. Atty. Gen. 161B-12 (Jan. 24, 1989) (Operating Expenses of Car)

**Cross References:** NB Policy 214 (Out-of-State Travel by School Board Members)

**I. PURPOSE**

The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

**II. GENERAL STATEMENT OF POLICY**

- A. Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the school setting in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The policy of this school district is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. The school district shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The superintendent, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.
- E. The school district shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

**III. DEFINITIONS**

- A. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.
- B. "Chemicals" includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district's Drug-Free Workplace/Drug-Free School policy.
- C. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.

---

**North Branch Independent School District No. 138: Policy #417****Adopted:** 2/12/98**Replaced:** Policy 5131.61 Chemical Use and Abuse (Students)**Last Reviewed:****Revised:** 6/10/04, 11/10/16**Effective:** 6/10/04, 11/10/16

## EMPLOYEES/PERSONNEL

### Chemical Use and Abuse

417

- D. "School location" includes any school building or on any school premises; on 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.

#### IV. STUDENTS

A. Instruction

1. Every school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. Each school shall have age-appropriate and developmentally based activities that:
  - a. address the consequences of violence and the illegal use of drugs, as appropriate;
  - b. promote a sense of individual responsibility;
  - c. teach students that most people do not illegally use drugs;
  - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
  - e. teach students about the dangers of emerging drugs;
  - f. engage students in the learning process; and
  - g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
4. Each school shall disseminate drug and violence prevention information within the school and to the community.
5. Each school shall have professional development and training for, and involvement of,

---

North Branch Independent School District No. 138: Policy #417

**Adopted:** 2/12/98

**Replaced:** Policy 5131.61 Chemical Use and Abuse (Students)

**Last Reviewed:**

**Revised:** 6/10/04, 11/10/16

**Effective:** 6/10/04, 11/10/16

## EMPLOYEES/PERSONNEL

### Chemical Use and Abuse

417

school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

6. Each school shall have drug and violence prevention activities that may include the following:
  - a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
  - b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.
  - c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
  - d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
  - e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

#### B. Reports of Chemical Use and Abuse

1. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
  - a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
  - b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.

---

North Branch Independent School District No. 138: Policy #417

**Adopted:** 2/12/98

**Replaced:** Policy 5131.61 Chemical Use and Abuse (Students)

**Last Reviewed:**

**Revised:** 6/10/04, 11/10/16

**Effective:** 6/10/04, 11/10/16

- d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.
  - e. The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:
    - a. The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
    - b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
  3. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56, and proposed for expulsion.
  4. Searches by school district officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.

C. Preassessment Team

1. Every school shall have a chemical abuse preassessment team designated by the superintendent or designee. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.

---

**North Branch Independent School District No. 138: Policy #417**

**Adopted:** 2/12/98

**Replaced:** Policy 5131.61 Chemical Use and Abuse (Students)

**Last Reviewed:**

**Revised:** 6/10/04, 11/10/16

**Effective:** 6/10/04, 11/10/16

## EMPLOYEES/PERSONNEL

### Chemical Use and Abuse

417

2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.

2. Destruction of Records

- a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

F. School and Community Advisory Team

1. The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school preassessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.

---

North Branch Independent School District No. 138: Policy #417

Adopted: 2/12/98

Replaced: Policy 5131.61 Chemical Use and Abuse (Students)

Last Reviewed:

Revised: 6/10/04, 11/10/16

Effective: 6/10/04, 11/10/16

## EMPLOYEES/PERSONNEL

### Chemical Use and Abuse

417

2. The advisory team shall:
  - a. build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and
  - b. develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.

#### V. EMPLOYEES

- A. The superintendent or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:
  1. The dangers and health risks of chemical abuse in the workplace/school.
  2. The school district's drug-free workplace/drug-free school policy.
  3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.
  4. The penalties that may be imposed on employees for drug abuse violations.
- B. The superintendent or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 138.163 (Records Management Act)  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. §§ 7101- 7165 (Safe and Drug-Free Schools and Communities Act)

---

North Branch Independent School District No. 138: Policy #417

**Adopted:** 2/12/98

**Replaced:** Policy 5131.61 Chemical Use and Abuse (Students)

**Last Reviewed:**

**Revised:** 6/10/04, 11/10/16

**Effective:** 6/10/04, 11/10/16

## EMPLOYEES/PERSONNEL

### Chemical Use and Abuse

417

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

**Cross References:** NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
NB Policy 416 (Drug and Alcohol Testing)  
NB Policy 418 (Drug-Free Workplace/Drug Free School)  
NB Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
NB Policy 506 (Student Discipline)  
NB Policy 515 (Protection and Privacy of Pupil Records)  
NB Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

---

#### North Branch Independent School District No. 138: Policy #417

**Adopted:** 2/12/98

**Replaced:** Policy 5131.61 Chemical Use and Abuse (Students)

**Last Reviewed:**

**Revised:** 6/10/04, 11/10/16

**Effective:** 6/10/04, 11/10/16



ARLE CHAMBERS &lt;achambers@isd138.org&gt;

---

## Policy 417 and 418

---

**Terry Morrow** <tmorrow@mnmsba.org>  
 To: ARLE CHAMBERS <AChambers@isd138.org>

Mon, Apr 12, 2021 at 2:09 PM

Hello, Arle:

Thank you very much for your message.

MSBA does not have a specific policy that mentions CBD oils (as explained below). MSBA Model Policy 418: Drug-Free Workplace/Drug-Free School is the relevant policy for CBD questions. This policy conforms with the federal Controlled Substances Act.

A district considering whether to permit CBD oils on school property should consider the following:

- Federal and Minnesota law have decriminalized CBD that is extracted from hemp.
- CBD that is extracted from hemp and contains less than .3% THC is exempt from the federal Controlled Substances Act. A CBD product that contains .3% or more of THC is a “controlled substance” akin to marijuana and, therefore, is not exempt from the Controlled Substances Act (which lists marijuana as a Schedule I drug).
- Distinguishing between legal CBD products and CBD products that may violate the Controlled Substances Act is complicated. No standardized regulations or labeling requirements are in place. A school would have to engage in chemical testing to determine whether a particular CBD product was exempt from the Controlled Substances Act.
- Recipients of federal aid and federal grants—including public schools—must comply with the federal Drug-Free Workplace Act and the federal Safe and Drug-Free Schools and Communities Act. Under these federal laws, school districts must provide an educational environment and workplace free of controlled substances as a condition of receiving federal aid and grants. Schools must prohibit possession, use, sale, dispensing, distribution or manufacture of controlled substances on school property.
- Schools must prohibit possession, use, sale, dispensing, distribution or manufacture of controlled substances on school property.
- Distinguishing between legal and illegal CBD is complicated. No standardized regulations or labeling requirements are in place. A school would have to engage in chemical testing to determine whether a particular CBD product was exempt from the Controlled Substances Act.
- School boards and administrators are expected to follow state and federal laws. They are in a challenging position.

- MSBA is not familiar with a case in which a Minnesota school has lost federal funding as a result of CBD product possession or use on school grounds.

I hope this information is helpful. Please contact me if I can assist.

Thank you,

Terry

**Note: Please check the MSBA website [www.mnmsba.org](http://www.mnmsba.org) for continually-updated COVID-19 guidance for Minnesota's K-12 schools.**

Dr. Terence Morrow

MSBA Director of Legal and Policy Services



1900 West [Jefferson Avenue](#)

[Saint Peter, MN 56082](#)

(507) 934-2450; (800) 324-4459 (work)

The contents of this email and any attachments are provided for informational purposes only and are not to be construed as legal advice. If you need legal advice, please consult your attorney.

---

**From:** ARLE CHAMBERS <[AChambers@isd138.org](mailto:AChambers@isd138.org)>  
**Sent:** Monday, April 12, 2021 10:32 AM  
**To:** Terry Morrow <[tmorrow@mnmsba.org](mailto:tmorrow@mnmsba.org)>  
**Subject:** Policy 417 and 418

Hi Terry,

We had a policy committee meeting with some of our board members on April 8 and they were questioning policies 417 (Chemical Use and Abuse) and 418 (Drug-Free Workplace/Drug-Free School) to see if there is anything in legislation about including something in these policies regarding CBD.

Let me know!

Thank you!

--

Arle Chambers

Administrative Assistant

North Branch Area Public Schools

[achambers@isd138.org](mailto:achambers@isd138.org)

651-674-1011

[ ]

---

**NOTE: If the information in this e-mail (including any attachments) relates to a School District employee or student, it may be private data under state and/or federal privacy laws. This individual private data should not be reviewed, distributed, or copied by any person other than the intended recipient(s), unless otherwise permitted under law. If you are not the intended recipient, any further review, dissemination, distribution, or copying of this electronic communication or any attachment is strictly prohibited. If you have received an electronic communication in error, you should immediately return it to the sender and delete it from your system. Thank you for your compliance.**

Any opinions expressed in the email message you have received are those of the individual and not necessarily of the North Branch School District. Emails sent to and from the North Branch School District email system will be archived in accordance with applicable laws, the School District's retention policies and any related archival procedures.

## EMPLOYEES/PERSONNEL

### Drug-Free Workplace/Drug-Free School

418

#### 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, and controlled substances without a physician's prescription.

#### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol 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, controlled substances, or medical cannabis in any school location.
- 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 member of the public who violates this policy.

#### III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- 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 U.S.C. § 812, including analogues and look-alike drugs.
- C. "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; or (4) any other method, excluding smoking, approved by the commissioner.
- D. "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous

---

North Branch Independent School District No. 138: Policy #418

**Adopted:** 2/12/98

**Replaced:** Policy #5131.6 and 6164.11 Drugs and Alcohol (Students); and Policy #4114.3 Employee Drug and Alcohol Policy (Personnel)

**Last Reviewed:**

**Revised:** 6/12/02, 11/10/16, 5/9/19

**Effective:** 6/12/02, 11/10/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Drug-Free Workplace/Drug-Free School

418

system.

- E. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- 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.

#### 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, 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 Minn. Stat. § 624.701, Subd. 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).

#### V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, must comply with the school district's student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The

---

North Branch Independent School District No. 138: Policy #418

**Adopted:** 2/12/98

**Replaced:** Policy #5131.6 and 6164.11 Drugs and Alcohol (Students); and Policy #4114.3 Employee Drug and Alcohol Policy (Personnel)

**Last Reviewed:**

**Revised:** 6/12/02, 11/10/16, 5/9/19

**Effective:** 6/12/02, 11/10/16, 5/9/19

## EMPLOYEES/PERSONNEL

### Drug-Free Workplace/Drug-Free School

418

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.
- 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 in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis 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.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 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. ENFORCEMENT

##### A. Students

- 1. 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.
- 2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

##### 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

---

North Branch Independent School District No. 138: Policy #418

**Adopted:** 2/12/98

**Replaced:** Policy #5131.6 and 6164.11 Drugs and Alcohol (Students); and Policy #4114.3 Employee Drug and Alcohol Policy (Personnel)

**Last Reviewed:**

**Revised:** 6/12/02, 11/10/16, 5/9/19

**Effective:** 6/12/02, 11/10/16, 5/9/19

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. § 121A.22 (Administration of Drugs and Medicine)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)  
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)  
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)  
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)  
20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
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)

## EMPLOYEES/PERSONNEL

### Drug-Free Workplace/Drug-Free School

418

**Cross References:** NB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
NB Policy 416 (Drug and Alcohol Testing)  
NB Policy 417 (Chemical Use and Abuse)  
NB Policy 506 (Student Discipline)  
NB Policy 516 (Student Medication)

---

#### North Branch Independent School District No. 138: Policy #418

**Adopted:** 2/12/98

**Replaced:** Policy #5131.6 and 6164.11 Drugs and Alcohol (Students); and Policy #4114.3 Employee Drug and Alcohol Policy (Personnel)

**Last Reviewed:**

**Revised:** 6/12/02, 11/10/16, 5/9/19

**Effective:** 6/12/02, 11/10/16, 5/9/19



ARLE CHAMBERS &lt;achambers@isd138.org&gt;

---

## Policy 417 and 418

---

**Terry Morrow** <tmorrow@mnmsba.org>  
To: ARLE CHAMBERS <AChambers@isd138.org>

Mon, Apr 12, 2021 at 2:09 PM

Hello, Arle:

Thank you very much for your message.

MSBA does not have a specific policy that mentions CBD oils (as explained below). MSBA Model Policy 418: Drug-Free Workplace/Drug-Free School is the relevant policy for CBD questions. This policy conforms with the federal Controlled Substances Act.

A district considering whether to permit CBD oils on school property should consider the following:

- Federal and Minnesota law have decriminalized CBD that is extracted from hemp.
- CBD that is extracted from hemp and contains less than .3% THC is exempt from the federal Controlled Substances Act. A CBD product that contains .3% or more of THC is a “controlled substance” akin to marijuana and, therefore, is not exempt from the Controlled Substances Act (which lists marijuana as a Schedule I drug).
- Distinguishing between legal CBD products and CBD products that may violate the Controlled Substances Act is complicated. No standardized regulations or labeling requirements are in place. A school would have to engage in chemical testing to determine whether a particular CBD product was exempt from the Controlled Substances Act.
- Recipients of federal aid and federal grants—including public schools—must comply with the federal Drug-Free Workplace Act and the federal Safe and Drug-Free Schools and Communities Act. Under these federal laws, school districts must provide an educational environment and workplace free of controlled substances as a condition of receiving federal aid and grants. Schools must prohibit possession, use, sale, dispensing, distribution or manufacture of controlled substances on school property.
- Schools must prohibit possession, use, sale, dispensing, distribution or manufacture of controlled substances on school property.
- Distinguishing between legal and illegal CBD is complicated. No standardized regulations or labeling requirements are in place. A school would have to engage in chemical testing to determine whether a particular CBD product was exempt from the Controlled Substances Act.
- School boards and administrators are expected to follow state and federal laws. They are in a challenging position.

- MSBA is not familiar with a case in which a Minnesota school has lost federal funding as a result of CBD product possession or use on school grounds.

I hope this information is helpful. Please contact me if I can assist.

Thank you,

Terry

**Note: Please check the MSBA website [www.mnmsba.org](http://www.mnmsba.org) for continually-updated COVID-19 guidance for Minnesota's K-12 schools.**

Dr. Terence Morrow

MSBA Director of Legal and Policy Services



1900 West [Jefferson Avenue](#)

[Saint Peter, MN 56082](#)

(507) 934-2450; (800) 324-4459 (work)

The contents of this email and any attachments are provided for informational purposes only and are not to be construed as legal advice. If you need legal advice, please consult your attorney.

---

**From:** ARLE CHAMBERS <[AChambers@isd138.org](mailto:AChambers@isd138.org)>  
**Sent:** Monday, April 12, 2021 10:32 AM  
**To:** Terry Morrow <[tmorrow@mnmsba.org](mailto:tmorrow@mnmsba.org)>  
**Subject:** Policy 417 and 418

Hi Terry,

We had a policy committee meeting with some of our board members on April 8 and they were questioning policies 417 (Chemical Use and Abuse) and 418 (Drug-Free Workplace/Drug-Free School) to see if there is anything in legislation about including something in these policies regarding CBD.

Let me know!

Thank you!

--

Arle Chambers

Administrative Assistant

North Branch Area Public Schools

[achambers@isd138.org](mailto:achambers@isd138.org)

651-674-1011

[ ]

---

**NOTE:** If the information in this e-mail (including any attachments) relates to a School District employee or student, it may be private data under state and/or federal privacy laws. This individual private data should not be reviewed, distributed, or copied by any person other than the intended recipient(s), unless otherwise permitted under law. If you are not the intended recipient, any further review, dissemination, distribution, or copying of this electronic communication or any attachment is strictly prohibited. If you have received an electronic communication in error, you should immediately return it to the sender and delete it from your system. Thank you for your compliance.

Any opinions expressed in the email message you have received are those of the individual and not necessarily of the North Branch School District. Emails sent to and from the North Branch School District email system will be archived in accordance with applicable laws, the School District's retention policies and any related archival procedures.

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

MSBA/MASA Model Policy 419

Orig. 1995

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

Rev. ~~2019~~2020

**419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION AND INSTRUCTION EDUCATION**

*[Note: School districts are not required by statute to have a policy addressing these issues. However, Minn. Stat. § 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, Minn. Stat. § 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. ~~TOBACCO, AND TOBACCO-RELATED DEVICES, AND VAPING~~ DEFINITIONS

~~A.~~ 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 does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.~~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.

~~A.B.~~ A.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.B.~~ C.B. “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 tobacco 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.~~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.C.~~ D.C. “Tobacco-related devices” means <sup>149</sup>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.

ED. “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 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.

#### **V. VAPING AWARENESS AND 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. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685 (Sale of Tobacco to Children)  
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)  
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

## EMPLOYEES/PERSONNEL

### Workload Limits for Certain Special Education Teachers

427

#### I. PURPOSE

The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services 60 percent or less of the instructional day.

#### II. DEFINITIONS

A. Special Education Staff; Special Education Teacher

“Special education staff” and “special education teacher” both mean a teacher employed by the school district who is licensed under the rules of the Minnesota Professional Educator Licensing and Standards Board to instruct children with specific disabling conditions.

B. Direct Services

“Direct services” means special education services provided by a special education teacher when the services are related to instruction, including cooperative teaching.

C. Indirect Services

“Indirect services” means special education services provided by a special education teacher which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with children with disabilities to monitor and observe.

D. Workload

“Workload” means a special education teacher’s total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

#### III. GENERAL STATEMENT OF POLICY

- A. Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the superintendent.
- B. In determining workload limits for special education staff, the school district shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.

---

North Branch Independent School District No. 138: Policy #427

Adopted: 10/8/15

Revised: 5/11/17, 5/9/19

Last Reviewed:

Effective: 10/8/15, 5/11/17, 5/9/19

427 Workload Limits for Certain Special Education Teachers, Page 1 of 2

---

## EMPLOYEES/PERSONNEL

### Workload Limits for Certain Special Education Teachers

427

#### IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED

This policy shall not be construed as a reopening of negotiations between the school district and the special education teachers' exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the school district set forth in the Public Employment Labor Relations Act or in the collective bargaining agreement between the school district and the special education teachers' exclusive representative.

**Legal References:** Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)  
Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions of "Direct Services," "Indirect Services," "Teacher," and "Workload")  
Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School-Age Educational Service Alternatives)

**Cross References:** NB Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
NB Policy 608 (Instructional Services – Special Education)

---

North Branch Independent School District No. 138: Policy #427

**Adopted:** 10/8/15

**Revised:** 5/11/17, 5/9/19

**Last Reviewed:**

**Effective:** 10/8/15, 5/11/17, 5/9/19

427 Workload Limits for Certain Special Education Teachers, Page 2 of 2

---

# STUDENTS

## Protection and Privacy of Pupil Records

515

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

### III. DEFINITIONS

#### A. Authorized Representative

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

#### B. Biometric Record

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

#### C. Dates of Attendance

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

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students’ Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

### D. Directory Information

“Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student’s parent(s). Directory information does not include:

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

### E. Education Records

1. What constitutes “education records.” Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term, “education records,” does not include:

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students’ Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

- a. Records of instructional personnel which:
  - (1) are in the sole possession of the maker of the record; and
  - (2) are not accessible or revealed to any other individual except a substitute teacher; and
  - (3) are destroyed at the end of the school year.
  
- b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
  - (1) maintained separately from education records;
  - (2) maintained solely for law enforcement purposes; and
  - (3) disclosed only to law enforcement officials of the same jurisdiction.
  
- c. Records relating to an individual, including a student, who is employed by the school district which:
  - (1) are made and maintained in the normal course of business;
  - (2) relate exclusively to the individual in that individual's capacity as an employee; and
  - (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.
  
- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
  - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

- e. Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

F. Eligible Student

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

G. Juvenile Justice System

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

H. Legitimate Educational Interest

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

- 1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
- 2. Perform a supervisory or instructional task directly related to the student's education; or
- 3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.
- 4. Perform a task directly related to responding to a request for data.

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

I. Parent

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

J. Personally Identifiable

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

K. Record

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

L. Responsible Authority

“Responsible authority” means Superintendent of Schools.

M. Student

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

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students’ Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

N. School Official

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

O. Summary Data

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

P. Other Terms and Phrases

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

#### IV. GENERAL CLASSIFICATION

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

#### V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights;

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students’ Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

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

### B. Eligible Students

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

### C. Disabled Students

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

## VI. DISCLOSURE OF EDUCATION RECORDS

### A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.

---

### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

- d. specific as to the nature of the information the subject is authorizing to be disclosed;
- e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

### 6. Eligible Student Consent

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

### B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

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

---

### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers.
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, “organizations,” includes, but is not limited to, federal, state, and local agencies

---

**North Branch Independent School District No. 138: District Policy #515**

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students’ Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

## STUDENTS

### Protection and Privacy of Pupil Records

515

and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) , an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

## STUDENTS

### Protection and Privacy of Pupil Records

515

may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

## STUDENTS

### Protection and Privacy of Pupil Records

515

form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

## STUDENTS

### Protection and Privacy of Pupil Records

515

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

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in ~~section 450b of Title 25~~ 25 U.S.C. § 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

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

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

### VII. RELEASE OF DIRECTORY INFORMATION

A. Classification

Directory information is public except as provided herein.

B. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an "education record," the school district may release

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the school district).

### C. Present Students and Parents

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

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
  - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

### VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

### B. Private Records Not Accessible to Parent

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

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

### C. Private Records Not Accessible to Student

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

## IX. DISCLOSURE OF CONFIDENTIAL RECORDS

### A. Confidential Records

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

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

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

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

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:

- a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

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

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

- A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.

---

North Branch Independent School District No. 138: District Policy #515

Adopted: 2/12/98

Replaced: Policy #5125.3 Students' Data Privacy (Student Section)

Last Reviewed:

Revised: 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

Effective: 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

- B. Data released to military recruiting officers under this provision:
1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the building principal in writing by September 15<sup>th</sup> each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

### XII. LIMITS ON REDISCLOSURE

#### A. Redisclosure

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

#### B. Redisclosure Not Prohibited

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

#### C. Classification of Disclosed Data

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

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

D. Notification

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

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

A. Responsible Authority

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

B. Record Security

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

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

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

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

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

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:

- a. the parties who have requested or received personally identifiable information from the education records of the student;
- b. the legitimate interests these parties had in requesting or obtaining the information; and
- c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.

2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:

- a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
- b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
- c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.

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

---

### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

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

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

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

D. Form of Request

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

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:

- a. the cost of materials, including paper, used to provide the copies;
- b. the cost of the labor required to prepare the copies;
- c. any schedule of standard copying charges established by the school district in its normal course of operations;
- d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
- e. mailing costs.

2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

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

#### A. Request to Amend Education Records

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

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

#### B. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

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

### C. Conduct of Hearing

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

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minn. Stat. Ch. 14 relating to contested cases.

### XVI. PROBLEMS ACCESSING DATA

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

### XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

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

B. Content of Complaint

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

### XVIII. WAIVER

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

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

### XIX. ANNUAL NOTIFICATION OF RIGHTS

#### A. Contents of Notice

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

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

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# STUDENTS

## Protection and Privacy of Pupil Records

515

C. Notification to Parents or Eligible Students Who are Disabled

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

### XX. DESTRUCTION AND RETENTION OF RECORDS

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

### XXI. COPIES OF POLICY

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

**Legal References:**

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)  
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)  
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)

**Cross References:**

NB Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
NB Policy 417 (Chemical Use and Abuse)  
NB Policy 506 (Student Discipline)

---

North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

## STUDENTS

### Protection and Privacy of Pupil Records

515

NB Policy 519 (Interviews of Students by Outside Agencies)  
NB Policy 520 (Student Surveys)  
NB Policy 711 (Video Recording on School Buses)  
NB Policy 906 (Community Notification of Predatory Offenders)  
MSBA Service Manual, Chapter 13, School Law Bulletin "1" (School Records – Privacy – Access to Data)

---

#### North Branch Independent School District No. 138: District Policy #515

**Adopted:** 2/12/98

**Replaced:** Policy #5125.3 Students' Data Privacy (Student Section)

**Last Reviewed:**

**Revised:** 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

**Effective:** 2/12/98, 7/12/01, 7/11/02, 6/10/04, 9/8/11, 1/12/12, 6/11/15, 5/11/17, 2/8/18

# Board & Administrator

FOR SCHOOL BOARD MEMBERS

June 2021 Vol. 35, No. 2

## Know when it's time to take a recess

When school board meetings become heated, consider taking a recess. A “cooling-off” period can help board members and stakeholders to re-focus, organize their thoughts, consider other viewpoints, appreciate a different perspective, and discern the issues.

The board meeting should function as a forum for respectful and effective discussions of pertinent issues. Sometimes, contentious debate can result in a shouting match. Board members may need to remind meeting participants of the expectations of professional conduct, respect, and decorum during a public meeting and stress the importance of listening to stakeholders' comments on the issues.

If the meeting becomes disorderly or gets caught up on extraneous issues, board members should

not hesitate to make a motion to recess. During a recess, members should ferret out the issues, discuss how to focus on important agenda items, and have a plan to maintain order when the meeting resumes.

There may be other reasons to recess a board meeting. An immediate or unexpected safety or health concern, a protest or demonstration, or simply the need to have a private discussion with board members may require a short break. For example, mismanagement of COVID-19 safety protocols recently forced a Collier County, Fla. school board meeting to recess after parents removed face masks in protest of the mask mandate in schools.

When the board reconvenes from a recess, civil and productive discussions are the result. ■

## Keep candidates, community in the loop during superintendent search

Although most superintendents will serve in their positions for the duration of their employment contracts, unforeseen circumstances may sometimes require a superintendent to step down before the end of his term. If this occurs, you and the rest of the school board will likely be eager to hire a new superintendent to lead the district.

To start your search on the right foot, make sure you have a game plan to keep potential candidates and the public apprised of the hiring process. For example, when Mark Dziatczak, the superintendent for Birmingham (Mich.) Public

Schools, resigned due to medical reasons at the end of February 2021, the school board promptly shared a timeline of its superintendent search on the district's website. That timeline indicated that the board would select its new superintendent by June 15, 2021.

Consider developing and publishing a similar “superintendent search” roadmap to keep the school community informed. In addition to the date in which you plan to announce the new superintendent, you can also specify in the roadmap:

- The dates in which the board will collect stakeholder feedback.

- The dates in which the board will accept applications.
  - The dates when the board will conduct interviews.
  - The dates when final candidates will do site visits and district tours.
- This will not only ensure that applicants

are aware of important deadlines, but will also assure stakeholders and members of the community that the board is taking action to fill the vacant superintendent position.

To see Birmingham Public School's superintendent search timeline, visit <https://www.birmingham.k12.mi.us/domain/2141>. ■

## Address charges of impropriety before they escalate

Misuse of public funds, employment discrimination, fraud, violations of district policy. Such allegations of impropriety can result in a sticky situation for school boards, especially if school board members or the district superintendent are implicated in those charges.

While addressing claims of impropriety may be uncomfortable and may result in conflict between board members, the board should find a way to investigate and, if necessary, remedy those incidents before matters snowball into a public relations nightmare.

On March 30, 2021, Gwyn Gittens, a board member for the School District of Lee County (Fla.), announced in a public interview that she asked Gov. Ron DeSantis to formally investigate issues of waste, fraud, and abuse in the district. Although Gittens did not publicly release a copy of her letter to the governor, she confirmed that she asked state officials to investigate alleged violations of the state's Sunshine Law, the mismanagement of public funds, and abuses of power, among other things. She also noted that she brought her concerns to the governor because other board members were non-responsive.

Here are two suggestions that may help your board avoid a similar situation:

- **Develop a policy on board-related complaints.** With the assistance of legal counsel, develop and publish a policy on how the school board will handle complaints or allegations against itself as an entity and against individual board members. The policy should also delineate the circumstances in which it would be appropriate for the board to hire an independent firm to investigate allegations. Written protocols will ensure the board takes appropriate measures to address potential impropriety and approach all complaints in a uniform and impartial manner.

- **Discuss your PR strategy as soon as possible.** If a board member raises allegations against other board members or against the superintendent, what message should the board send to the public? Before any claims of impropriety arise, make sure you have a plan of action to notify the school community of any ongoing inquiries and respond to concerns. Similarly, the board should determine whether it will release details about board-related investigations as they happen or withhold that information until inquiry has concluded. ■

## Ensure board consensus when goals change

As the school board monitors performance on the district's strategic goals, you may find that circumstances have changed, and goals must be modified. When that occurs, it's important that the full board support and approve changes to the strategic plan.

To achieve board consensus on changes to goals, board members should answer the following questions:

1. Does the goal meet the district's mission?
2. Is the goal detailed sufficiently?
3. Does the goal make sense?
4. Is the goal achievable considering district resources?
5. What additional information do you need?
6. Are their additional comments to consider? ■