

Policy Committee Meeting

Tuesday, April 25, 2023 4:30 PM

Board Assembly Room, 1250 West Broadway Avenue, Minneapolis, Minnesota 55411

1) **Call to Order and Roll Call**

2) **Adoption of Agenda**

3) **Acceptance of Minutes**

3)a. March 28, 2023 Minutes

4) **Reports and Discussion**

4)a. Policy Reviews

4)a.1. Review Policy 5560 (Eligibility For
Student Activities)

5) **New Business**

5)a. Revision of Policy 5635 and Adopting Policy
5637 (2023-0024)

5)b. Revision of Policy 5210 (2023-0027)

6) **Adjournment**

**OFFICIAL MINUTES
MINNEAPOLIS BOARD OF EDUCATION**

**POLICY COMMITTEE MEETING
MARCH 28, 2023**

CALL TO ORDER

Chair Lori Norvell called the meeting to order at 4:34 p.m., a quorum being present.

ROLL CALL

Present: Directors Sharon El-Amin, Fathia Feerayarre, Collin Beachy, Lori Norvell (4)

Absent: Directors Adriana Cerrillo (1)

APPROVAL OF AGENDA

Beachy moved to approve the agenda.

On a voice vote, the motion was adopted unanimously.

APPROVAL OF MINUTES

Beachy moved to approve the minutes from the February 28, 2023 meeting.

On a voice vote, the motion was adopted unanimously.

REPORTS AND DISCUSSION

Policy Reviews

Review Policy 5635 (Reporting Maltreatment Of Minors And Vulnerable Adults)

Staff provided a review of policy 5635 (Reporting Maltreatment Of Minors And Vulnerable Adults).

Revision of Policy 3440: Inventories (2023-0023)

Beachy moved to forward the proposed revision of Policy 3440: Inventories.

On a voice vote, the motion was adopted unanimously.

ADJOURNMENT

Without objection, Chair Norvell adjourned the meeting at 5:03 p.m.

Minutes submitted by Ryan Strack, Assistant to the Superintendent and Board.

Meeting materials: <https://meetings.boardbook.org/Public/Agenda/1807?meeting=573892>

DRAFT

SECTION 1:**AMENDMENT** “Policy 5635: Reporting Maltreatment Of Minors And Vulnerable Adults” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 5635: ~~Reporting Maltreatment Of Minors And Vulnerable Adults~~ Mandated Reporting of Child Neglect or Physical or Sexual Abuse

1. PURPOSE

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

2. GENERAL STATEMENT OF POLICY

a. It is the policy of the District to fully comply with Minnesota Statutes requiring school personnel to report chapter 260E requiring school personnel to report suspected child neglect or physical or sexual abuse. ~~suspected maltreatment, neglect, physical or sexual abuse of children who attend Minneapolis Public Schools.~~

b. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

~~e. It is the policy of the District to fully comply with Minnesota Statutes requiring school personnel to report suspected maltreatment of vulnerable adults who attend Minneapolis Public Schools.~~

~~d. It shall be a violation of this policy for any District personnel to fail to immediately make a report when:~~

~~i. the school personnel knows or has reason to believe that a child~~

~~(1) is being neglected;~~

~~(2) is being physically abused;~~

~~(3) is being sexually abused or~~

~~(4) has been neglected, physically or sexually abused within the preceding three years.~~

~~(5) has been kidnapped;~~

~~(6) is being concealed from the child’s parent, or~~

~~(7) has been taken, retained or failed to be returned to the child’s parent by any individual without legal right to keep the child.~~

~~ii. the school personnel, other than a health care professional or social service professional who is providing the woman with prenatal care or other health care services, knows or has reason to believe that a woman is pregnant and has used a controlled substance for a~~

nonmedical purpose during the pregnancy, including but not limited to:

- (1) tetrahydrocannabinol, (THC, also known as marijuana)
 - (2) alcoholic beverages in any way that is habitual or excessive.
 - iii. the school personnel knows or has reason to believe that a vulnerable adult is being maltreated, or
 - iv. the school personnel knows that a vulnerable adult has sustained a physical injury which is not reasonably explained.
- e. It shall be a violation of this policy for any person to retaliate against any employee who in good faith makes a report required under paragraph C, above:
- i. There is a rebuttable presumption that any adverse action taken within ninety (90) days against an employee who in good faith makes a required report is retaliatory.
 - f. It shall be a violation of this policy for any employee to retaliate against any child or vulnerable adult about whom any report is made.
 - g. Intentional failure to make a report required under paragraph C, above, shall make the mandated reporter subject to discipline in keeping with district policy, collective bargaining agreements, and state and federal law. The District may refer such failures to the local authorities for possible criminal prosecution.
 - h. Any employee who maliciously or recklessly makes a report is subject to discipline in keeping with district policy, collective bargaining agreements and state and federal law. The District shall not indemnify any employee who is found by a court to have made a maltreatment report maliciously or recklessly.

3. **DEFINITIONS**

- a. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
- b. “Child” means one under age 18 and, for purposes of Minnesota Statutes chapter 260C (Juvenile Safety and Placement) and Minnesota Statutes chapter 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minnesota Statutes chapter 260C.451 (Foster Care Benefits Past Age 18).
- c. “Immediately” means as soon as possible but in no event longer than 24 hours.
- d. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years.
- e. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- f. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
 - i. failure by a person responsible for a child’s care to supply a child with

necessary food, clothing, shelter, health care, medical, or other care required for the child's physical or mental health when reasonably able to do so;

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

Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

- g. "Nonmaltreatment mistake" occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been

determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minnesota Rules chapter 9503.

- h. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- i. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minnesota Statutes section 125A.0942 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minnesota Statutes section 121A.582.

Actions that are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minnesota Statutes section 609.02, subdivision 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child, or other substances that substantially affect the child's behavior, motor coordination, or judgment, or that result in sickness or internal injury, or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint

not permitted under Minnesota Statutes section 609.379, including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minnesota Statutes section 121A.58.

- j. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.
- k. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- l. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minnesota Statutes section 609.341, subdivision 15), or by a person in a current or recent position of authority (as defined in Minnesota Statutes section 609.341, subdivision 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor that constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation that requires registration under Minnesota Statutes section 243.166, Subd. 1b(a) or (b).
- m. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.

4. REPORTING PROCEDURES

- a. A mandated reporter shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- b. An oral report shall be made immediately by telephone or otherwise., The oral report shall be followed by a written report within 72 hours (exclusive of

weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing or investigating the report. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter.

- c. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- d. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- e. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- f. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- g. An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to whom a report is made, because of the report.
- h. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees. Knowingly or recklessly making a false report also may result in discipline.

5. INVESTIGATION

- a. The responsibility for assessing or investigating reports of suspected maltreatment rests with the appropriate state, county, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or school official. The investigating agency, not the school, is responsible for

either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

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

6. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

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

related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

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

7. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

8. DISSEMINATION OF POLICY AND TRAINING

- a. This policy shall appear in school personnel handbooks.
- b. The school district will develop a method of discussing this policy with school personnel.
- c. This policy shall be reviewed at least annually for compliance with state law.
~~The Superintendent is authorized to issue regulations for the implementation of this policy and to provide for such training for staff as is necessary to implement the policy. This policy shall be reviewed at least annually for compliance with state law.~~

Original Adoption:

05/10/1977

Revision Dates:

06/12/1984, 05/27/2008

Legal References:

- 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act – FERPA)
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- Minn. Stat. § 121A.58 (Corporal Punishment)
- Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
- Minn. Stat. § 609.221 et seq. (Assault)
- Minn. Stat. § 602.235 (Use of Drugs to Injure or Facilitate Crime)
- Minn. Stat. § 609.25 (Kidnapping)
- Minn. Stat. § 609.26 (Depriving Another of Custodial or Parental Rights)
- Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
- Minn. Stat. § 609.341 (Definitions [Criminal Sexual Conduct])
- Minn. Stat. § 609.342 et seq (Criminal Sexual Conduct)
- Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
- Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)

- Minn. Stat. § 626.557 et seq. (Reporting of Maltreatment of Vulnerable Adults)

MPS Policy Cross References:

- Policy 4200 (Personnel Data)
- Policy 5690 (Student Data)
- Policy 4002 (Harassment and Violence Prohibition)
- Policy 5201 (Bullying and Hazing Prohibition)
- Regulation 5635 A (Reporting Procedures)
- Regulation 5635 B (Definitions)

SECTION 2: ADOPTION “Policy 5637: Mandated Reporting Of Maltreatment Of Vulnerable Adults” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

ADOPTION

Policy 5637: Mandated Reporting Of Maltreatment Of Vulnerable Adults(*Added*)

1. PURPOSE

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

2. GENERAL STATEMENT OF POLICY

- The policy of the school district is to comply fully with Minnesota Statutes section 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

3. DEFINITIONS

- “Abuse” means:
- “Caregiver” means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- “Common entry point” means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).
- “Financial Exploitation” means a breach of a fiduciary duty by an actor’s unauthorized expenditure of funds entrusted to the actor for the benefit of the

- vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- e. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
 - f. "Mandated reporter" means a professional or professional's delegate while engaged in education.
 - g. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.
 - h. "Neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.
 - i. Neglect also means the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subd. 17.
 - j. "School personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
 - k. "Vulnerable adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minnesota Statutes chapter 245A, except as excluded under Minnesota Statutes section 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to provide adequately for the individual's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

4. REPORTING PROCEDURES

- a. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.
- b. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- c. The report shall, to the extent possible, identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose not public data, as defined under Minnesota Statutes section 13.02, to the extent necessary to comply with the above reporting requirements.
- d. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- e. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- f. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

5. INVESTIGATION

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

6. DISSEMINATION OF POLICY AND TRAINING

- a. This policy should appear in school personnel handbooks as appropriate.
- b. The school district will develop a method of discussing this policy with employees as appropriate.
- c. This policy should be reviewed at least annually for compliance with state law.

SECTION 1: AMENDMENT “Policy 5210: Student Personal Electronic Devices” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 5210: Student Personal Electronic Devices

1. PURPOSE

The primary purpose of the district is to educate students. Education is to prepare them for post-secondary pursuits such as college or careers, and life as an adult. ~~Increasingly success both in college and in careers depends on~~ requires appropriate use of ~~available~~ technology. ~~Increasingly students have access to existing and emerging technologies through personal electronic devices.~~ Appropriate guided use of these devices may enhance the educational experience and should be aligned with the academic goals of the classroom, social and emotional skills schools integrate into their climates and cultures. Age-appropriate private use of these devices that does not interfere with the educational process should be permissible. The purpose of this policy is to establish the parameters for the possession and use of personal electronic devices that are capable of ~~transmitting~~ sharing or receiving data or images. The District continues to have high expectations for student behavior in the use of such devices permitted under this policy. ~~Personal electronic devices can be a powerful educational tool, but possession and use of personally owned devices at school is a privilege, not a right.~~

2. GENERAL STATEMENT OF POLICY

- a. High ~~S~~school students may ~~have~~ possess personal electronic devices with them at school, or at non-public school events off campus. ~~Unless the device is being appropriately used under 2.B below, the student shall secure the personal electronic device either out of sight or holstered and turned off.~~
- b. High School student use of personal electronic devices is limited to:
 - i. Before and after the regularly scheduled school day;
 - ii. During the student’s scheduled lunch period;
 - iii. During passing time between classes;
 - iv. During class as established by classroom norms set forth by the students and the teacher ~~time when the classroom teacher permits the use for educational purposes only~~; and
 - v. During the school day by permission from the school principal or principal’s designee for personal purposes.
- c. Students in grades 6-8 may ~~posses~~ have personal electronic devices with them at school or at non-public school events off campus. ~~Unless the device is being appropriately used under 2.D. below, the student shall secure the personal electronic device out of sight, or holstered and turned off.~~
- d. Students in grades 6 - 8 may use personal electronic devices under the

following conditions:

- i. Before and after the regularly scheduled school day;
 - ii. During class time when the classroom teacher specifically permits the use for educational purposes only; and
 - iii. During the school day by permission from the school principal or principal's designee for personal purposes.
- e. Students in grades K- 5 may ~~possess~~have personal electronic devices with them only upon request of the student's parent or guardian and with the permission of the principal. The device must be kept out of sight and turned off except when being used appropriately under 2.F. below.
- f. Students in grades K-5 who have obtained permission to ~~possess~~have a personal electronic device at school or at non-public school events may use it under the following conditions:
- i. Before and after the regularly scheduled school day;
 - ii. During the school day with the express permission of a classroom teacher for educational purposes only; or
 - iii. During the school day with the permission of the principal or principal's designee for personal purposes.
- g. Students bring personal electronic devices to school at their own risk. The District assumes no liability for loss, theft, damage, nor liability for any unauthorized use of an electronic device. If a device is confiscated for the reasons outlined under this policy, no responsibility for the safety or security of the device is guaranteed.
- h. Students may not during school or at non-public school sponsored events employ the photographic, videographic, audio recording or reproduction capacity of any electronic device for the purposes of photographing, video capture, recording or reproduction of the same of any student or staff person without the express consent of the staff person, or under the supervision of a teacher or administrator. This section applies at all times while on school premises including school buses or at non-public school sponsored events, regardless of the location.
- i. Under no circumstances may personal electronic devices be used in locker rooms, restrooms or rooms designated for changing clothing.

3. STANDARDS FOR RESPONSIBLE USE

- a. Students who ~~are permitted to~~ use personal electronic devices during instructional time shall exhibit respect for the educational environment by:
 - i. Following established classroom norms set forth by the students and the teacher for~~classroom teacher instructions for classroom~~ use;
 - ii. Using devices only as they do not distract from the educational process or disturb other students;
 - iii. Respecting copyright rights of others;
 - iv. ~~Refraining from~~Not using devices to cheat or ~~assisting~~help others to cheat.
- b. Use of personal electronic devices on school buses shall not interfere with the safe operation of the bus, or the safety of students or driver.

- c. At public events, students may use personal electronic devices to photograph, videograph, or record the audience. Events that do not involve copyrighted materials may be recorded.
- d. Students will respect the privacy of others and will not post or upload pictures or recordings taken during school or at non-public school events of others to the internet nor e-mail pictures or recordings to others without the express advance permission of the persons in the photograph or recording.
- e. Use of personal electronic devices is also subject to other District policies regarding copyright, bullying, cheating, harassment, plagiarism, acceptable use of the internet and District e-mail. If a violation occurs which involves more than one District policy, consequences for each policy may apply.

4. CONSEQUENCES FOR VIOLATIONS

- a. ~~Failure to keep a device off or appropriately secured~~Inappropriate student use of a personal electronic device.

- i. Student use of the devices in classrooms or during instructional time should be guided by the use of classroom norms set forth by the students and teacher. The teacher is responsible for outlining that protocol at the onset of the class during that school year or period.

- ii. Consequences for student violation of outlined norms will follow student behavior guidelines as outlined in Regulation 5200A: Classification of Behavior and Responses and other applicable regulations.

- iii. ~~At the first infraction, the staff person shall require the student to secure the device and turn it off. The staff member may require the student not to respond to a call. The student will be reminded as to the consequences for failure to keep the device off and appropriately secured.~~

- iv. ~~At a second infraction, the staff person shall confiscate the device and turn it in to the school office, where the student may retrieve it after the close of classes for the day.~~

- v. ~~At a third infraction, the staff person shall confiscate the device, notify the parent or guardian, and turn it into the school office where the parent or guardian may retrieve the device. The principal or principal's designee may elect to return a device to a student. The parent will be notified of the consequence of an additional infraction.~~

- vi. ~~At a fourth infraction, the student will forfeit the privilege to possess or use a personal electronic device at school.~~

- b. Inappropriate use of a device

- i. ~~At the first infraction, the staff person shall confiscate the device, turn it into the office, inform the parent or guardian of the infraction, and reeducate the student on appropriate use. The student may be subject to other disciplinary actions based on the circumstances of the infraction.~~

- ii. ~~At the second infraction, the student will forfeit the right to possess or use a personal educational device at school without the express~~

~~permission of the principal or site administrator. The student may be subject to other disciplinary actions based on the circumstances of the infraction.~~

~~iii. If any infraction is a violation of law, school authorities will notify the appropriate law enforcement agency.~~

5. RESPONSIBILITY

- a. The Superintendent is authorized to promulgate regulations to implement this policy.
- b. This policy shall be reviewed ~~on an annual basis~~ as needed to assure that use of personal electronic devices remains consistent with providing an appropriate educational environment for all students.
- c. Classroom teachers are responsible for guiding appropriate use of student personal electronic devices in their classrooms and while students are under their supervision. Teachers shall not require the use of personal electronic devices for purposes of learning or completion of class requirements. Teachers are responsible for reporting inappropriate use.
- d. Students are responsible for the safety and security of any personal electronic device brought to school. Students are responsible for the appropriate use of any device brought to school. Students are responsible for reporting inappropriate use to their teachers, administrators or other school staff.
- e. Parents are responsible to work with school principals to identify those situations where exceptions to use or possession policy is necessary to secure the health or safety of their children, and to participate in creating a plan for appropriate use under their family circumstances within the educational environment. Parents are responsible to reinforce the appropriate use of personal electronic devices by their children.
- f. The Principal is responsible for communicating this policy to all community stakeholders including students, staff, families, and partners ~~school staff, and to all students.~~

Original Adoption:

08/23/2011

Revision Dates:

8/17/2015

MPS Policy Cross References:

- Policy 5200 (Behavior Standards and Code of Conduct)
- Policy 5201 (Bullying and Hazing Prohibition)
- Policy 4002 (Harassment and Violence Prohibition)
- Policy 5635 (Reporting Maltreatment of Minors and Vulnerable Adults)
- Policy 5680 (Search of Students/ Lockers/ Desks/ Motor Vehicles)
- Policy 6680 (Safety, Security and Emergency Preparedness)

Equity Considerations for Policies

Student Personal Electronic Devices Policy 5210

April 2023

Policy Sponsor: Shawn Harris-Berry

MPS Equity and Diversity Policy 1304

“The Board of Directors, Superintendent and staff commit to conducting an Equity and Diversity Impact Assessment on *all future policies that have a significant impact on student learning and resource allocation*. This commitment also includes conducting assessments on *policies that are periodically reviewed and updated* through the policy development process that have a significant impact on student learning and resources allocation.”

Identify Your Policy Recommendation

Use the space below to identify your policy recommendation as either **1) an existing policy requiring no changes, 2) current policy with needed revisions, 3) current policy needing a repeal; policy no longer needed, 4) current policy needing a repeal; subsume some parts into other policies, or 5) a new policy.**

Current policy with needed revisions

Recommended Policy Change

Provide a brief description below of the policy recommendation. If you have supporting documents, you may provide the URL for the EDIA Team to access your recommendation or attach the supporting documents in an email when you submit this document to the EDIA team.

Current Policy

If applicable, use the space below to summarize what the current policy states. Provide the URL for audiences to read the full board policy. If this is an existing policy with no changes needed, state that below.

<https://mps.municipalcodeonline.com/book?type=policies#name=Policy 5210: Student Personal Electronic Devices>

Recommended Policy Change

If applicable, use the space below to summarize the recommended changes to the existing policy. If this is an existing policy with no changes needed, skip this question.

- In general, update language to reflect current practices.
- Removed language around disciplinary action.

- Added in language to ensure student-teacher collaboration in developing personal electronic usage in the classroom.

Additional Information

Use the space below to share additional information or context about the policy recommendation.

N/A

Meaningful Inclusion of Diverse Perspectives on the Policy Recommendation

Describe the ways in which you’ve worked to ensure that you have meaningfully included diverse perspectives from internal and external stakeholder groups in the policy recommendation process.

Explain who you engaged with, how they were engaged, and when these engagements took place. When explaining how you engaged with stakeholders, specify whether you informed (shared information with stakeholders), consulted (shared information with and gathered feedback from stakeholders), or collaborated (partnered with to inform, gather feedback, and co-constructed the policy recommendation).

If you had trouble with engagement, you could also use the space to identify ways you tried to engage stakeholders. You can also describe how you used information gathered in the past to inform your policy recommendation process.

Internal Engagement including staff	External Engagement including students, families, and community members
<ul style="list-style-type: none"> • Principal Forum reviewed and discussed with the Forum Executive Board, April 10, 2023. The president will share with their Forum constituents. • ED of Climate and Equity Dec 2022, March 23 • ED of Communications Dec 2022, March 23 • ED of Engagement Dec 2022, March 23 • Associate Superintendents Dec 2022, March 23 	<ul style="list-style-type: none"> • DPAC April Meeting (Canceled) • Student Council Citywide April 17, 2023 • MFT—received a copy of the policy revisions via email from Senior Leader Candra Bennett for feedback.

Identify the Current Problem

Describe what data (including conversations with stakeholders) tells you about possible existing student inequities. Include the evidence in this section or you may send the EDIA team the data that supports why there is a need to recommend the policy change.

Student personal electronic use in the classroom, based on the existing policy, is determined solely by the teacher. Potentially negatively impacting students academic performance as well as classrooms and buildings culture and climate.

Describe what the potential root causes or factors are that contributed to the inequity - including factors that are within MPS' locus of control as well as factors that are outside of MPS' locus of control.

Naming what is within or outside of your locus of control informs decision makers about what possible measures may need to be taken, including legislative efforts and partnerships to be built to tackle the root causes.

Root Causes or Factors (within MPS' locus of control)	Root Causes or Factors (outside of MPS' locus of control)
The policy needs to be updated to reflect current practices	N/A

Equity Consideration if the Policy Recommendation is Approved/Implemented

Identify what practices and/or core functions may be impacted by the recommendation. This could include internal (division and/or department) team structures, staffing, roles, and responsibilities as well as any state or federal level mandates.

N/A

Specify which student groups you anticipate will be positively impacted by the recommended policy change, and how.

Group(s) Positively Impacted	How the Approved Recommended Policy will Positively Impact the Group(s)
All students	Allows student-teacher collaboration in developing personal electronic usage in the classroom.

Furthermore, identify which specific student groups may be negatively impacted by the policy recommendation and describe how you plan to mitigate the negative impact and/or harm.

Group(s) Negatively Impacted	Mitigation Plan
None	N/A

Additional Information and Considerations

Use the space below to share any additional information that would be helpful to know.

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