

Policy Committee Meeting

Tuesday, February 4, 2025 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. November 19, 2024

4) **Reports and Discussion**

4)a. Regular Policy Reviews

4)a.1. Review Policy 8505 Director Travel

5) **New Business**

5)a. Resolution Revising Policies 3000, 3002, 3003,
3004, 8111, 8510; Repealing and Replacing Policy
3001; and Adopting Policy 4300

6) **Adjournment**

**OFFICIAL MINUTES
MINNEAPOLIS BOARD OF EDUCATION**

**POLICY COMMITTEE MEETING
NOVEMBER 19, 2024**

CALL TO ORDER

Chair Lori Norvell called the meeting to order at 5:05 p.m., a quorum being present.

ROLL CALL

Present: Directors Sharon El-Amin, Lucie Skjefte, Collin Beachy, Lori Norvell (4)

Absent: Director 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 October 22, 2024 meeting.

On a voice vote, the motion was adopted unanimously.

REPORTS AND DISCUSSION

Regular Policy Reviews

A review was conducted of Review Policy 3504 (Government Data Requests) and Policy 6680 (Safety, Security And Emergency Management), with no immediate recommendations for revisions.

EDIA Update

Staff provided a progress update on the equity and diversity impact assessment on transportation.

ADJOURNMENT

Without objection, Chair Norvell adjourned the meeting at 6:19 p.m.

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

Meeting materials: <https://meetings.boardbook.org/Public/Agenda/1807?meeting=663118>

Adopted: _____

MSBA/MASA Model Policy 214

Orig. 2005

Revised: _____

Rev. 2009

214 OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS

[Note: School districts are required by statute to adopt a policy addressing this issue.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. APPROPRIATE TRAVEL

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

IV. REIMBURSABLE EXPENSES

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.

V. 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.

VI. 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. § 123B.09, Subd. 2 (Boards of Independent School Districts)

Minn. Stat. § 471.661 (Out-of-State Travel)
Minn. Stat. § 471.665 (Mileage Allowances)
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

Cross References: MSBA/MASA Model Policy 212 (School Board Member Development)
MSBA/MASA Model Policy 412 (Expense Reimbursement)

SECTION 1: AMENDMENT “Policy 3000: Conflicts Of Interest And Fiduciary Duty” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 3000: Conflicts Of Interest And Fiduciary Duty

1. PURPOSE

The proper operation of democratic government requires that ~~public officials~~ District personnel ~~employees~~ be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, the ~~Board of Directors~~ school board adopts policies related to conflicts of interest and fiduciary duty for school board members and District personnel. ~~all officials and employees whether elected or appointed, paid or unpaid.~~ The purpose of this policy is to establish ethical standards of conduct for all ~~such officials and employees~~ District personnel by setting forth those acts or actions that are incompatible with the best interest of the Minneapolis Public Schools and by directing disclosure by such ~~officials and employees~~ District personnel of private financial or other interests in matters affecting the Minneapolis Public Schools.

2. GENERAL STATEMENT OF POLICY

This policy establishes minimum standards of conduct for District personnel. Failure to meet these standards may subject the actor to disciplinary action, up to and including termination.

- ~~a. This policy establishes minimum standards of conduct for public officials, employees and other district personnel. Failure to meet these standards shall subject the actor to disciplinary action.~~
- ~~b. Responsibilities of Public Office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. Their conduct in both their official and private affairs should be above reproach. They must avoid misconduct, apparent or real. They are bound to:
 - ~~i. uphold the Constitution of the United States and the Constitution of this State;~~
 - ~~ii. carry out impartially the laws of the nation, state, and school district; and~~
 - ~~iii. discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.~~~~
- ~~e. Dedicated Service and Fiduciary Duty:
 - ~~i. All public officials of the school district shall be loyal to the district~~~~

and its mission and goals, and the programs developed to attain those objectives:

- ~~ii. All employees of the district shall be loyal to the district, its mission and goals, and the program developed to attain those objectives.~~
- ~~iii. Appointed officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.~~
- ~~iv. Public officials and employees and other district personnel may not exceed their authority or break the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.~~
- ~~v. Public officials and employees and other district personnel shall not disclose any confidential or private, nonpublic, educational or employee data during their term of appointment, election or employment and shall likewise refrain from disclosing any private educational or employee data after their term of election or appointment, or employment has ended unless permitted by law.~~
- ~~vi. Public officials, employees and other district personnel shall not disclose or use any confidential, private, nonpublic, privileged or proprietary information gained by reason of their employment, election or appointment by or to the District other than in the course of their duties. Such a prohibition shall continue after the term of their election, appointment or employment ends.~~
- ~~vii. Public officials and employees shall manage the assets both real and personal of the district with highest integrity, and exercise any discretionary powers they may have for the benefit of the District with the care a reasonably prudent person would do.~~
- ~~viii. Employees must accept employment with the district as their primary employment, unless otherwise agreed to at the time of their hiring, and shall prefer the needs of their employment with the district over the needs of any additional employment they may have. Further, employees shall not engage in any work, paid or unpaid, incompatible with their employment at the district.~~

d. Fair and Equal Treatment

- ~~i. No public official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.~~
- ~~ii. Schools, programs and departments may enter into partnerships with corporate or business citizens to promote civic engagement, sponsorship of district activities or support of academic programs. Such partnerships shall not imply preference or endorsement of or for the services or products of those corporate or business partners. Any such partnerships are subject to the terms of this policy.~~

e. Conflict of Interest

- i. ~~No public official or employee shall engage in any business or transaction or shall have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.~~
- ii. ~~“Personal interest” may be defined as an interest arising from:~~
 - ~~(1) blood or marriage relationships;~~
 - ~~(2) domestic partnerships;~~
 - ~~(3) status of dependent of the person;~~
 - ~~(4) membership in the same household;~~
 - ~~(5) close business or political associates.~~
- iii. ~~Conflicts of interest include but are not limited to:~~
 - ~~(1) Use of confidential information, obtained as a result of public position, for personal gain.~~
 - ~~(2) Any use of official position for personal gain.~~
 - ~~(3) Holding (possession) investments which interfere, or tend to interfere, with the proper discharge of public duty.~~
 - ~~(4) Representation by public officials or employees of private interests before the Minneapolis Board of Education or departments and participation in the profits from such representation.~~
 - ~~(5) Participation in transactions as a public representative with a business entity in which the public official or employee has a direct or indirect financial or other personal interest.~~
 - ~~(6) Personal interest in legislation to the extent that private interest takes precedence over public interest and public duty.~~
 - ~~(7) Entry by the district into contracts or other conduct of business for profit with a business in which a public official or employee has substantial or controlling interest, when the public official or employee can influence such contract or business because of his or her public position.~~

f. Use of Position for Influence

i. Recommendations:

- (1) School personnel shall not make recommendations for a provider of professional services. School personnel may be asked by parents to recommend providers; this is particularly true of health care staff, who may be asked to recommend a physician, a dentist, or an optometrist. School personnel shall not make such recommendations.
- (2) Employees may prepare and distribute lists of professional organizations or providers of professional services available in the region for the purposes of informing parents, but shall make no evaluation of the services or organizations, and shall

not indicate a preference for any of them.

(3) Persons making requests for referrals to providers should be directed to the proper professional association for advice.

ii. Politics. The District recognizes and encourages the rights of its employees, as citizens, to engage in political activity, with the following restrictions:

(1) No employee of the school district shall solicit support of any political candidate, partisan or non-partisan, during regular work hours or on school property.

(2) No employee of the school district shall solicit support of any referendum issue not directly related to public education, during regular work hours, or on school property.

(3) No employee may use the name of the district, or any school, department or program to support any political candidate, ballot proposition or referendum.

(4) No resources of the district may be used to support any political candidate, partisan or non-partisan, or any ballot proposition or referendum not directly related to public education.

3. APPLICABILITY DEFINITIONS

District personnel, solely for purposes of this policy, include Board of Education members, District employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District.

a.

b. This policy applies to all Minneapolis Public Schools

i. officials;

ii. employees;

iii. contractors on district premises;

iv. council and advisory council members, and

v. site-based council members.

c. This policy applies to all persons, whether

i. elected, appointed, employed, or supplying goods or services to the district under contract;

ii. paid or unpaid;

iii. engaged in any activity on behalf of the Minneapolis School District including activities at every school, department or program of the District.

d. When a public official or employee has doubt as to the applicability of a provision of this policy to a particular situation, he or she should submit the question to the General Counsel's Office for review and determination of applicability. Questions may be made anonymously, in which case the General Counsel shall make such answer available to the appropriate persons subject to this policy. The General Counsel may make any question and response or guidance public.

4. RESPONSIBILITIES AND DUTIES

- a. District personnel are agents of public purpose and must avoid conflicts of interest, apparent or real. They are bound to discharge faithfully the duties of their role regardless of personal considerations, recognizing that the public interest must be their primary concern in the performance of their duties.
- b. District personnel should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- c. District personnel may not exceed their authority or break the law or ask others to do so, and they should work in full cooperation with other District personnel unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- d. District personnel shall not disclose or use any confidential, private, nonpublic, privileged or proprietary information gained by reason of their employment, election or appointment by or to the District other than in the course of their duties and as permitted by law. Such a prohibition shall continue after the term of their election, appointment or employment ends.
- e. District personnel shall manage the assets both real and personal of the District with highest integrity, and exercise any discretionary powers they may have for the benefit of the District with the care a reasonably prudent person would do.
- f. No District personnel shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- g. Partnerships with corporate or business citizens to promote civic engagement, sponsorship of District activities or support of academic programs shall not imply preference or endorsement of or for the services or products of those corporate or business partners. Any such partnerships are subject to the terms of this policy.

5. PROHIBITED CONDUCT

a. Conflicts of Interest

- i. No District personnel shall engage in any business or transaction or shall have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties.
- ii. “Personal interest” may be defined as an interest arising from:
 - (1) blood or marriage relationships;
 - (2) domestic partnerships;
 - (3) status of dependent of the person;
 - (4) membership in the same household;
 - (5) close business or political associates.
- iii. Conflicts of interest include but are not limited to:
 - (1) Use of confidential information, obtained as a result of public position, for personal gain.
 - (2) Any use of official position for personal gain.
 - (3) Holding (possession) investments which interfere, or tend to

interfere, with the proper discharge of public duty.

- (4) Representation by District personnel of private interests before the Minneapolis Board of Education or departments and participation in the profits from such representation.
- (5) Participation in transactions as a public representative with a business entity in which the District personnel has a direct or indirect financial or other personal interest.
- (6) Personal interest in legislation to the extent that private interest takes precedence over public interest and public duty.
- (7) Entry by the District into contracts or other conduct of business for profit with a business in which a District personnel has substantial or controlling interest, when the District personnel can influence such contract or business because of their public position.

iv. Use of Position for Influence

- (1) Recommendations. District personnel shall not make recommendations for a provider of professional services. Instead, District personnel may prepare and distribute lists of professional organizations or providers of professional services for the purposes of informing parents, but shall make no evaluation of the services or organizations, and shall not indicate a preference for any of them.

(2) Politics

The District recognizes and encourages the rights of its employees, as citizens, to engage in political activity, with the following restrictions:

- (A) No employee of the District shall solicit support of any political candidate, partisan or non-partisan, during regular work hours or on school property.
- (B) No employee of the District shall solicit support of any referendum issue not directly related to public education, during regular work hours, or on school property.
- (C) No employee may use the name of the District, or any school, department or program to support any political candidate, ballot proposition or referendum.
- (D) No resources of the District may be used to support any political candidate, partisan or non-partisan, or any ballot proposition or referendum not directly related to public education.

b. Outside Employment

Employees of the school district may engage in outside employment provided such employment does not compromise the fulfillment of employees' responsibilities to the School District, is not conducted during assigned duty hours and does not involve the use of School District facilities.

6. REPORTING SUSPECTED VIOLATIONS

- a. All ~~employees, contractors, public officials or council members~~ District personnel have a duty and obligation to report what they believe to be a violation of this policy.
- b. ~~The report must be made to their supervisor or manager of the department or building concerned.~~ The report must be made to the Senior Human Resources Officer.
- c. ~~In those instances in which the immediate supervisor is involved in the alleged violation, the report should be made to the person at the next highest supervisory level.~~ In those instances which the complainant feels uncomfortable reporting the suspected violation to the Senior Human Resources Officer, that person may make a direct report to the Superintendent.
- d. ~~In those instances which the complainant feels uncomfortable reporting the suspected violation to any of the aforementioned persons, that person may make a direct report to the Office of District General Counsel.~~
- e. ~~Supervisors, Department Managers, Principals and Site Administrators will forward suspected violations of this policy to the General Counsel's Office. Any employee may also make a report to the General Counsel's Office.~~
- f. Suspected violations submitted in good faith and in an appropriate manner, whether or not further investigation substantiates the claim, will be free from retaliation in any form. The identity of complainants will be protected, within legal limits, and any ~~public official, employee or other~~ District personnel who retaliate against them ~~will be disciplined.~~ may be subject to disciplinary action, up to and including termination.

7. INVESTIGATION AND RESOLUTION OF SUSPECTED VIOLATIONS

- a. ~~The District General Counsel will promptly investigate alleged violations.~~ The District will promptly investigate alleged violations and may take appropriate disciplinary action, up to and including termination of employment, contract, and/or appointment.
- b. ~~Those accused of suspected violations will be given an opportunity to respond.~~
- e. ~~The District General Counsel will prepare a report of the investigation.~~
- d. ~~If the investigation concerns the actions of an employee the report will be submitted to the manager or supervisor and Employee Relations with a copy to the Superintendent.~~
- e. ~~If the investigation concerns the actions of a non-employee or contractor, the report will be submitted to the appropriate supervisor of the person's activities with a copy to the Superintendent.~~
- f. ~~Any discipline of an employee shall follow District policies, contracts and procedures, up to and including termination of employment.~~
- g. ~~Any discipline of a contractor may include termination of the contract.~~
- h. ~~Any discipline of an appointee to an advisory board or site council may include termination of the appointment.~~

8. REFRAINING FROM ABUSE

- a. Any complainant or witness who abuses the enforcement procedure by knowingly submitting false reports, claims, testimony or evidence will be subject to disciplinary action up to and including termination.

9. RESPONSIBILITY

- a. The Superintendent shall take the necessary steps to assure that all individuals are in compliance.
- b. The Superintendent is authorized to promulgate regulations to implement this policy.

Original Adoption:

11/12/1991 (formerly Code of Ethics)

Revision Dates:

04/14/1992, 02/27/2007, 01/14/2014

Legal References:

[Minnesota Rules 3512.5200 \(Code of Ethics for School Administrators\) Minnesota Rules 8710.2100 \(Code of Ethics for Minnesota Teachers\) Minneapolis Code of Ordinances, Title 2, Chapter 15, Article II, § 15.160](#)

- ~~Minnesota Rules 3512.5200 (Code of Ethics for School Administrators)~~
- ~~Minnesota Rules 8700.7500 (Code of Ethics for Minnesota Teachers)~~

MPS Policy Cross References:

- Policy 4200 (Personnel Data)
- Policy 5690 (Student Data)
- Policy 1100 (Advertising in the Schools)
- Policy 1050 (Media Relations)
- Policy 1301 (Community Partners)
- Policy 1302 (Corporate Involvement in Schools)
- Policy 1320 (Board of Directors Advisory Committees)
- Policy 1450 (Volunteers)
- Policy 1692 (Shared Leadership for Continuous Improvement)
- Policy 2305 (Superintendent Advisories)
- Policy 3313 (Vendor Relations)
- Policy 3327 (Payment for Food and Drink)
- Policy 3330 (Travel Expense: Employee)
- Policy 3331 (Travel Expense: Non-employee)
- Policy 4000 (Equal Employment Opportunity)
- Policy 8505 (Director Travel)
- Policy 8510 (Conflict of Interest)

SECTION 2: **REPEAL** “Policy 3001: Gifts To District Personnel” of the Minneapolis Public Schools Policies & Regulations is hereby *repealed* as follows:

REPEAL

~~Policy 3001: Gifts To District Personnel~~ (*Repealed*)

1. **PURPOSE** The proper operation of a public funded institution requires that district personnel be independent, impartial, and responsible to their supervisors or to the public that elected or appointed them; that decisions be made in the proper channels of the organizational structure; that public employment and public service not be used for personal gain; and that the public have confidence in the integrity of the district. Many parents and students with a sincere wish to honor or express appreciation to their teachers, administrators, and other school personnel want to give gifts or solicit donations in order to purchase gifts for school employees. The purpose of this policy is to establish ethical standards of conduct for all district personnel regarding gifts from individuals, organizations or businesses, and to avoid the appearance of impropriety or conflict of interest on the part of district personnel.
2. **GENERAL STATEMENT OF POLICY**
 - a. Minneapolis Public Schools discourages gift-giving to district personnel. Persons inclined to show appreciation to district personnel are encouraged to show that appreciation through letters or notes to the individual, or individual’s superiors regarding the individual, or to make gifts to the donor’s choice in the name of the individual to be honored.
 - b. District personnel shall not solicit either by direct or indirect means a gift from a student, parent, or other individual or organization.
3. **VENDOR AND PROVIDER GIFTS**
 - a. Except as allowed below no district personnel may receive any gift from individuals or companies selling equipment, materials, supplies or services required in the operation, maintenance, or capital construction of the district.
 - b. District personnel may accept gifts from any organization in which they hold a membership, so long as an equivalent gift is given to all members.
 - c. District personnel may accept gifts from individuals selling equipment, materials, supplies or services required in the operation, maintenance or capital construction of the district so long as the individual is related to the district personnel, and the gift is given individually and not as a representative of the

individual's business concern.

- d. Teachers and Principals may accept sample textbooks and learning materials from publishers.
- e. Employees attending a conference, convention, trade show or other event where service providers or vendors who sell or would like to sell or provide equipment, materials, supplies or services to the district are displaying or demonstrating their products and services who offer to all participants on an equal basis samples, gifts or food and beverages of a de minimus value, may accept such gifts.
- f. Employees attending a conference, convention, trade show or other event that offers the opportunity to win door prizes that are equally available to all participants may accept such door prizes as they win through chance, provided that entry into any drawing for such a prize is not predicated upon the provider doing business with the district or any of its divisions, schools or programs. Entry into a drawing for door prizes shall not constitute solicitation of a gift under this policy.

4. GIFTS FROM STUDENTS AND PARENTS OR PARENT ORGANIZATIONS

- a. Except as allowed below no district personnel may receive any gift from any person of more than a de minimus value.
- b. Volunteer chaperones who are district personnel may accept contributions toward the cost of a district sanctioned field trip up to the full cost of the trip if the sponsor of the trip knows of the gift in advance and advises the parents of the students on the trip that such a gift has been received.
- c. Principals and Teachers should advise their classes and parents that gifts to school personnel are not expected, nor will they be accepted if offered, if they do not meet the exceptions contained herein.
 - i. Teachers may accept gifts from the students or parents of the students in their class in the year in which the students are enrolled of a de minimus value. If the class, or any part thereof, makes a joint gift to the teacher, the gift must not be of value more than five dollars (\$5.00) per student.
 - ii. Teachers and Principals may accept gifts from the official parent organization of the school in which they work if the value of the gift is no more than five dollars (\$5.00) per student enrolled.
 - iii. Teachers and Principals may, upon retirement from the district, receive such gifts that are offered them without limit as to amount.

5. GIFTS FROM DISTRICT FUNDS

- a. Except as allowed below no district personnel may accept any gift from any division, department, school or program of the District of more than a de minimus value.
- b. The Superintendent may establish an Employee Appreciation Program to recognize excellence and longevity of service, and use district funds to provide gifts to district personnel. Non-food individual gifts may not exceed fifty dollars (\$50.00), and gifts of meals and beverages shall not exceed the

limits allowed for the provision of food and beverage for employees at district meetings.

6. RESPONSIBILITY

- a. The Superintendent is authorized to promulgate regulations to implement this policy.
- b. Employees of the district who accept or solicit a gift in violation of this policy are subject to discipline up to and including termination.
- c. Non-employee district personnel who accept or solicit a gift in violation of this policy are subject to discipline by the appropriate body; for appointed members of district advisories or councils, the discipline may be imposed by the district personnel assigned to the advisory or council upon consultation with the remaining members of the council or advisory, up to and including removal from the council or advisory.
- d. All district personnel have a duty and obligation to report what they believe to be a violation of this policy.
 - i. Reports must be made to their supervisor or the manager of the department or building concerned. Any report received by a supervisor or manager should be forwarded to the Office of the District General Counsel.
 - ii. If the supervisor or manager is the subject of the report, the report should be made to the next highest supervisory level or directly to the Office of the District General Counsel.
 - iii. Suspected violations submitted in good faith and in an appropriate manner, whether or not further investigation substantiates the claim of violation, will be free from retaliation in any form. Any person who retaliates against a reporter or complainant shall be subject to discipline.
 - iv. The identity of reporters or complainants will be protected, within legal limits.
 - v. Reports shall be investigated by the Office of the General Counsel, and Findings of Fact reports shall be submitted to the subject of the complaint, and to the Superintendent or Superintendent's designee.
- e. District personnel who knowingly submit false reports or claims of violations may be subject to discipline.

7. DEFINITIONS

- a. "de minimus value" shall mean a value of Five Dollars (\$5.00) or less.
- b. "district personnel" shall mean Directors of the Board of Education, employees of the District, appointees to district boards, committees and advisory councils, and contractors.
- c. "gift" shall mean any of the following when the receipt of which is without a return of consideration of equal or greater value:
 - i. commissions
 - ii. expense-paid trips
 - iii. money
 - iv. real or personal property

- v. loans
 - vi. services
 - vii. forgiveness of indebtedness
 - viii. promise of future employment
 - ix. meals or lodging, or reimbursement for the same.
- d. “Employee Appreciation Program” shall mean a district established and regulated program of acknowledging the service and performance of district employees equally available to all employees with the same criteria for selection. Such a program may include acknowledgements based on:
- i. Exemplary performance beyond the basic requirements of the employee’s position.
 - ii. Exemplary innovation resulting in improvement of delivery of district services or academic goals;
 - iii. Exemplary service to students or parents;
 - iv. Longevity of employment with the District.
- e. “operation of the schools” shall include the purchase of materials for the:
- i. repair or maintenance of the physical assets of the district;
 - ii. conduct of student classes;
 - iii. conduct of student activities including but not limited to clubs, classes, athletic or other competitive teams.
- f. “related to the district personnel” means those individuals in a familial or household relationship with the district personnel including, but not limited to:
- i. parents or children
 - ii. brothers, sisters, nieces, nephews, aunts or uncles
 - iii. domestic partners, and their familial relations
 - iv. other dependents,
 - v. persons who reside in the same household as the district personnel, and their familial relations.

Original Adoption:

04/25/1967 (as 1560)

Revised Dates:

10/12/1971, 01/30/1973, 01/14/2014

Legal References:

- Minn. Stat. §10A.071 (Prohibition of Gifts)
- Minn. Stat. §15.43 (Acceptance of Advantage...)
- Minn. Stat. §471.895 (Certain Gifts by Interested Persons Prohibited)

MPS Policy Cross References:

- Policy 3000 (Conflicts of Interest and Fiduciary Duty)
- Policy 3327 (Payment for Food and Drink)
- Regulation 3327 A (Food and Meal Expense Procedures and Limitations)

SECTION 3: ADOPTION “Policy 3001: Administrator Code Of Ethics” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

ADOPTION

Policy 3001: Administrator Code Of Ethics(*Added*)

1. PURPOSE

The purpose of this policy is to establish the requirements of the school board that school administrators adhere to the standards of ethics and professional conduct in this policy and Minnesota law.

2. GENERAL STATEMENT OF POLICY

a. An educational administrator’s professional behavior must conform to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all educational administrators. The administrator acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all. However, the administrator assumes responsibility for providing professional leadership in the school and community. This responsibility requires the administrator to maintain standards of exemplary professional conduct. It must be recognized that the administrator’s actions will be viewed and appraised by the community, professional associates, and students. To these ends, the administrator must subscribe to the following standards.

b. The Educational Administrator:

- i. Makes the well-being of students the fundamental value of all decision-making and actions.
- ii. Fulfills professional responsibilities with honesty and integrity.
- iii. Supports the principle of due process and protects the civil and human rights of all individuals.
- iv. Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
- v. Implements the school board’s policies.
- vi. Pursues appropriate measures to correct those laws, policies, and regulations that are not consistent with sound educational goals.
- vii. Avoids using positions for personal gain through political, social, religious, economic, or other influence
- viii. Accepts academic degrees or professional certification only from duly accredited institutions.
- ix. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
- x. Honors all contracts until fulfillment, release, or dissolution is mutually agreed upon by all parties to the contract.

xi. Adheres to the Code of Ethics for School Administrators in Minnesota Rule.

Original Adoption: Legal References: Minn. Stat. § 122A.14, Subd. 4 (Duties of Board of School Administrators) Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators) MPS Policy Cross References

SECTION 4: AMENDMENT “Policy 3002: Outside Employment, Copyright And Royalties” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 3002: ~~Outside Employment, Copyright And Royalties~~Employee Publications, Instructional Materials, Inventions, and Creations

1. PURPOSE

~~The public is due that propriety and dedication of service of the district’s employees that fosters confidence in the delivery of services and advancement of district goals that they have a right to expect. Individual employees have the right during their non-duty hours to such employment as does not conflict with the interests of the district or appears to conflict with the interests of the district. The purpose of this policy is to balance these two rights in favor of the public purpose of the district. The purpose of~~this policy is to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

2. GENERAL STATEMENT OF POLICY

Unless the employee develops, creates or assists in developing or creating a publication, instructional material, computer program, invention or creation entirely on the employee’s own time and without the use of any school district facilities or equipment, the employee shall immediately disclose and, on demand of the school district, assign any rights to publications, instructional materials, computer programs, materials posted on websites, inventions or creations which the employee develops or creates or assists in developing or creating during the term of employee’s employment. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the school district relating to such publications, instructional materials, computer programs, materials posted on websites, inventions and/or creations, including domestic and foreign patents and copyrights.

3. ~~COPYRIGHT AND ROYALTIES~~

- ~~a. The district claims copyright on any and all intellectual property created or developed by the employee that pertains to his or her employment with the district unless the employee and the Superintendent or Superintendent’s~~

~~designee enter into a written agreement granting copyright of the material to the employee, or to the employee and the district jointly.~~

- ~~b. Any royalties or other benefits accrued based on intellectual property work done while an employee of the district shall be the property of the district unless royalties are assigned to the employee or to the district and the employee in shares according to a written agreement between the Superintendent or Superintendent's designee and the employee.~~

4. RESPONSIBILITY

- ~~a. This policy applies to all employees of the district whether full or part time, seasonal or year-round, salaried or hourly.~~
- ~~b. District principals and other managers are responsible for monitoring the outside employment affects on the employee's job performance. If the employee's job performance is adversely affected, the principal or manager will take appropriate disciplinary action including but not limited to, counseling, warning, or requiring the employee to choose one job or the other.~~
- ~~c. Failure to disclose outside employment or failure to follow this policy may result in discipline of the employee up to and including termination.~~
- ~~d. Questions regarding the compatibility of outside employment with the district employment shall be referred to the Office of the General Counsel, which shall make the final determination of compatibility.~~
- ~~e. The Superintendent is authorized to promulgate regulations to implement this policy.~~

5. NOTICE OF POLICY

The school district shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

- ~~a. District employees, whether salaried or hourly, shall not accept employment, enter into a contract with another, or pursue a self-employment business interest that:
 - ~~i. Interferes with the proper execution of his or her employment with the district; or~~
 - ~~ii. Creates or appears to create a conflict of interest that would materially impair the ability of the employee to serve the district.~~~~
- ~~b. District employees, whether salaried or hourly, shall not accept employment, enter into a contract with another or pursue a self-employment business interest to:
 - ~~i. participate as an employee, principal or manager on a pending or existing district contract if the employee was involved in the negotiation, development, awarding, or management of that contract.~~
 - ~~ii. participate in the negotiation or development on behalf of the outside employer of a pending contract with the District.~~~~
- ~~c. District employees, whether salaried or hourly, shall not accept employment, enter into a contract with another, or pursue a self-employment business interest to provide services that would bring the district into disrepute.~~
- ~~d. Employees accepting outside employment are required to inform their immediate supervisor of the employment including the name of the employer,~~

- the type of work to be done, and the expected hours of employment.
- e. ~~Subject to the above, hourly employees may accept outside employment limited to the employee's non-duty hours. Hourly employees may accept employment, enter into a contract with another or pursue a self-employment business interest during the employee's approved vacations, earned compensatory time or non-duty release days but not during a medical leave from employment with the district.~~
 - f. ~~Subject to the above, salaried employees may accept outside employment, enter into a contract with another, or pursue a self-employment business interest scheduled outside of the employee's regularly scheduled work hours with the knowledge and consent of their supervisor, however~~
 - i. ~~outside employment may not be allowed to conflict with the scheduled and unscheduled time demands of the individual's district employment;~~
 - ii. ~~effect of the outside employment on the ability of the employee to perform their duties to the District shall be monitored, and adverse effects on the district employment may lead to withdrawal of permission for outside employment.~~
 - g. ~~Employees who accept outside employment, enter into a contract with another, or pursue a self-employment business interest may not employ any district resource in the pursuit of that employment, contract or business interest. District resources include, but are not limited to:~~
 - i. ~~Use of the district internet access, or computers;~~
 - ii. ~~Use of district telephones, whether stationary or mobile;~~
 - iii. ~~Use of copying, faxing or scanning machines;~~
 - iv. ~~Use of office supplies or equipment~~
 - v. ~~Use of a district issued email address;~~
 - vi. ~~Use of district created list serves, distribution lists, or directories;~~
 - vii. ~~Use of district mailboxes or mailing services;~~
 - viii. ~~Use of district facilities, except as under an appropriately requested and granted permit under the community use of facilities program;~~
 - ix. ~~Use of district vehicles, except under a negotiated contract for their use;~~
 - x. ~~Use of the District brand, or that of any of its schools, facilities or programs;~~
 - xi. ~~Use of any intellectual property developed while an employee of the district unless specific written permission is granted by the Superintendent or Superintendent's designee.~~
 - h. ~~Work assignments and schedules will not be changed to accommodate outside employment.~~
 - i. ~~Employees shall not share, use or reveal private, non-public information or proprietary materials, techniques learned while a district employee with any other employer, contractor or in their self-employed business interest.~~

Original Adoption:

01/14/2014

Revised:

Legal References:

Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions) 17 U.S.C. § 101 et seq. (Copyrights)

MPS Policy Cross References:

- Policy 3000 (Conflicts of Interest and Fiduciary Duty)

SECTION 5: AMENDMENT “Policy 3003: Nepotism” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 3003: Nepotism

1. PURPOSE

As a public entity, the District must be held to high standards to deserve the public trust. Nepotism, or the appearance of nepotism, diminishes the integrity of the district in the public’s eye and should be avoided at all times. Employing persons who are related to each other, or who reside with each other, but whose work assignments do not bring them into supervisory work relationships, and whose employment was not influenced by the other does not constitute nepotism. Balancing ~~the ability of the~~ District’s ability to attract and keep the best employees for the public purposes of the district with a prohibition against nepotism requires the disclosure of potential conflicts with this policy and district action to prevent and arrange placement of related persons within the district to avoid valid claims of nepotism.

2. GENERAL STATEMENT OF POLICY

- a. No individual shall be assigned, reassigned, permanently or temporarily employed or issued an independent contract in a department, program, location or school where a related person will have administrative or supervisory responsibility over that individual.
- b. No district employee shall be part of the interviewing, hiring or contracting process for a related person.
- c. No district employee shall influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline or adjustment of grievances of a related person. If the district employee has been granted an exception to have a related person under their administrative or supervisory responsibility, any transfer, suspension, promotion, discharge, reward, discipline or adjustment of grievances for the excepted related person shall be handled by the ~~supervisor’s superior~~ individual designated by the Senior

Human Resources Officer.

- d. Related persons may work in the same department, location, or school so long as the relationship is disclosed and approved by both party's supervisors.
- e. Potential employees are required to disclose their relationship to a district employee who is a related person during the application process.
- f. Employees shall disclose any potential conflict with this policy due to a proposed reassignment, transfer, promotion, or demotion, to their supervisor.
- g. Unique circumstances may allow an exception to this policy. Requests for exceptions must be made in writing with sufficient documentation to justify the exception. Exceptions for circumstances that do not involve a relationship to or with the Superintendent shall be determined by the Superintendent, or Superintendent's designee. Exceptions for circumstances that involve a relationship with the Superintendent shall be determined by the Board of Education upon a recommendation of the chief officer of the Division or Department affected by the employment or contract.
- h. Willful breaches of this policy may result in employee discipline up to and including reassignment or termination of employment.
- i. This policy does not apply generally to situations where students enroll in or are assigned to classes taught by related persons. In such cases, the related person shall notify the Principal of the relationship and the Principal may make reassignments. ~~In the event that~~ if no reassignment is made, the related person shall be responsible for making those academic decisions normally incident to their instructional duties.

3. RESPONSIBILITY

- a. The Superintendent is authorized to promulgate regulations to implement this policy.
- b. All employees and all persons under an independent contract with the district or any of its subdivisions are responsible to comply with this policy.

Original Adoption:

08/31/1999 (as 4035)

Revised Dates:

01/14/2014

Legal References:

- Minneapolis Code of Ordinances, Title 2, Chapter 15, Article II, §15.160

MPS Policy Cross References:

- Policy 3000 (Conflicts of Interest and Fiduciary Duty)
- Regulations 3003 A (Definitions)
- Regulations 3003 B (Reporting, Investigation and Action)

SECTION 6:**AMENDMENT** “Policy 3004: Employee Use Of District Property” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 3004: Employee Use Of District Property

1. **PURPOSE**

~~As custodians of the public trust, the District is responsible for the appropriate use of all equipment and material acquired for the District. Employees have access due to their employment to such equipment and material. The purpose of this policy is to establish when employees may use equipment or material owned by the district. This policy establishes the circumstances upon which District employees may use District property.~~

2. **GENERAL STATEMENT OF POLICY**

As custodians of the public trust, the District is responsible for the appropriate use of all and material acquired for the District. Employees have access due to their employment to such equipment and material. The purpose of this policy is to establish when employees may use equipment or material owned by the District.

3. **USE OF DISTRICT PROPERTY**

- a. Employees may have specific equipment or material assigned for their use by their supervisor, or supervisor’s designee.
- b. Employees are responsible for the care, appropriate use and security of equipment and material provided for the performance of his or her duties.
 - i. Employees shall use equipment and material assigned to them for the purposes for which the equipment or material has been assigned.
 - ii. Employees shall only use equipment and material assigned to them, or generally available to all employees, for appropriate uses to discharge their duties.
 - iii. Employees shall take reasonable and prudent steps to secure equipment or materials assigned to them in the course of their employment.
 - iv. Employees shall surrender all equipment and material assigned to them as required by their supervisor.
- c. Borrowing district equipment or material for personal uses is not allowed.
- d. Removal of district equipment from its usual location is permitted if the removal is for the purposes of executing the employee’s duties.
- e. Equipment and material assigned to school-year employees may be checked out and removed from their usual location for the summer months, if requested in writing by the employee and required for the proper execution of the employee’s duties for the District. Any equipment checked out or removed from a school or department under this section must be approved in advance

by the employee's supervisor.

- f. Employees may apply to use district premises, equipment or material for personal purposes through the permit process that is available to all persons on the same basis as any applicant.

4. RESPONSIBILITY

- a. The Superintendent is authorized to promulgate regulations for the implementation of this policy.
- b. Employees who lose or damage district equipment or materials due to their gross neglect may be required to pay the replacement cost of the equipment or materials lost or damaged. Normal wear and tear of use shall not be considered damage to district equipment.
- c. Employees who damage district equipment or materials by intentional acts shall be required to pay the replacement cost of the equipment or material.
- d. Principals, Site Administrators and Department Heads are responsible for the supervision of the equipment and material assigned to their location, and to their employees. Principals, Site Administrators and Department Heads are required to properly account for all equipment and material assigned to their location or to their employees. Reports of loss or damage shall be made by the principal, site administrator or department head to their supervisor and to the appropriate district department in charge of distribution of the lost or damaged equipment or material.

Original Adoption:

01/14/2014

Revised:

MPS Policy Cross References:

- Policy 3179 (Equipment Replacement)
- Policy 3265 (Obsolete and Excess Materials, Equipment and Supplies)
- Policy 3440 (Inventories)
- Policy 3445 (Property and Equipment)

SECTION 7: **AMENDMENT** “Policy 8111: Duties Of Directors” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 8111: ~~Duties Of Directors~~ Code of Ethics

1. PURPOSE

~~By answering the call to public service, each school board director commits to~~

~~contributing to the formation of an effective and responsible school board which acts in the interests of the entire district and all of its students. To that end this policy exists to assist directors in fulfilling that commitment.~~ The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

2. GENERAL STATEMENT OF POLICY

Each school board member shall follow the code of ethics stated in this policy.

- a. ~~School board directors govern in the interests of the district as a whole. Directors make no personal promises or undertake any independent action that might compromise the Board as a whole. Authority rests with the school board as whole in legal session, not in individual Directors, unless expressly authorized.~~
- b. ~~School board directors act responsibly toward the task of governance by:~~
 - i. ~~Attending all board meetings unless prevented from doing so for good cause;~~
 - ii. ~~Coming to board meetings well prepared, having read all relevant documents;~~
 - iii. ~~Being informed of the proper duties and functions of a school board Director and engaging in ongoing professional development;~~
 - iv. ~~Making decisions in board meetings on the available information, and only after all sides of debatable questions have been presented;~~
 - v. ~~Recognizing that school business may be legally transacted only in an open meeting of the school board;~~
 - vi. ~~Maintaining confidentiality of privileged information, including statements made in Executive Session;~~
 - vii. ~~Delegating details of board action to administrative employees;~~
 - viii. ~~Recognizing that appointed committees serve only in an advisory capacity to the school board;~~
- c. ~~School Board Directors maintain good working relationships with other Directors by:~~
 - i. ~~Listening to all points of view and respecting the right of others to have and express opinions;~~
 - ii. ~~Working with fellow board members in a spirit of cooperation when there are differences of opinion;~~
 - iii. ~~Sharing the work of the Board equitably, including external and internal committee assignments and other tasks as designated by the Board as a whole.~~
- d. ~~School Board Directors maintain the appropriate relationship with the Superintendent and his or her staff by:~~
 - i. ~~Exercising control over the management of the School District through the establishment of policies for the operation of the District and the employment of a Superintendent;~~
 - ii. ~~Holding the Superintendent responsible for the administration of the school district and giving the Superintendent authority commensurate~~

- with that responsibility;
- ~~iii. Participating in school board action after considering the recommendation of the superintendent and only after the Superintendent has furnished adequate information supporting the recommendations;~~
 - ~~iv. Expecting the superintendent to keep the school board adequately informed at all times through both oral and written reports;~~
 - ~~v. Giving the superintendent counsel and advice;~~
 - ~~vi. Protecting all school personnel by referring any concerns to the Superintendent or her or his designated staff.~~
 - ~~vii. Providing support for the Superintendent and employees of the District so they may perform their proper functions on a professional level.~~
- e. School Board Directors endeavor to meet their responsibility to the community by:
- ~~i. Working to determine both the present and future educational needs of the school district when making decisions;~~
 - ~~ii. Attempting to obtain adequate financial support for the District by every available legal means;~~
 - ~~iii. Communicating actively with the community and interpreting the needs and attitudes of the community, to the best of their ability;~~
 - ~~iv. Insisting that fiscal information and all business transactions of the school district are presented in an ethical, transparent and responsible manner.~~
- f. School Board Directors fulfill their legal obligations by:
- ~~i. Complying with all federal, state and local laws relating to board function;~~
 - ~~ii. Complying with all District policies as adopted by the school board;~~
 - ~~iii. Abiding by all rules and regulations as promulgated by the Minnesota Department of Education and other federal and state agencies with jurisdiction over school districts.~~
- g. AS A MEMBER OF THE SCHOOL BOARD, I WILL:
- i. Attend school board meetings.
 - ii. Come to the meetings prepared for discussion of the agenda items.
 - iii. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
 - iv. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
 - v. Support the decision of the school board, even if my position concerning the issue was different.
 - vi. Recognize the integrity of my predecessors and associates and appreciate their work.
 - vii. Be primarily motivated by a desire to provide the best possible

- education for the students of my school district.
- viii. Inform myself about the proper duties and functions of a school board member.

h. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:

- i. Focus on education policy as much as possible.
- ii. Remember my responsibility is to set policy – not to implement policy.
- iii. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
- iv. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.
- v. Work through the superintendent – not over or around the superintendent.
- vi. Delegate the implementation of school board decisions to the superintendent.

i. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:

- i. Respect the rights of others to have and express opinions.
- ii. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
- iii. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
- iv. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
- v. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
- vi. Insist that committees be appointed to serve only in an advisory capacity to the school board.

j. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:

- i. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
- ii. Attempt to obtain adequate financial support for the school district's programs.
- iii. Insist that business transactions of the school district be ethical and open.
- iv. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.
- v. Communicating actively with the community and interpreting the needs and attitudes of the community, to the best of their ability.

k. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND

STAFF, I WILL:

- i. Hold the superintendent responsible for the administration of the school district.
- ii. Give the superintendent authority commensurate with their responsibilities.
- iii. Assure that the school district will be administered by the best professional personnel available.
- iv. Consider the recommendation of the superintendent in hiring all employees.
- v. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
- vi. Insist the superintendent keep the school board adequately informed at all times.
- vii. Offer the superintendent counsel and advice.
- viii. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
- ix. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
- x. Present any personal criticisms of employees to the superintendent.
- xi. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level

I. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

- i. Comply with all federal, state, and local laws relating to my work as a school board member.
- ii. Comply with all school district policies as adopted by the school board.
- iii. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
- iv. Recognize that school district business may be legally transacted only in an open meeting of the school board.
- v. Avoid conflicts of interest and refrain from using my school board position for personal gain.
- vi. Take no private action that will compromise the school board or administration.
- vii. Guard the confidentiality of information that is protected under applicable law.

Original Adoption:

11/12/1991 (as Policy 8260)

Revision Dates:

08/11/2009, 04/13/2021

Legal References:

[Minn. Stat. §123B.02 \(General Powers of Independent School Districts\)](#)

[Minn. Stat. §123B.09 \(Boards of Independent School Districts\)](#)

[Minn. Stat. §128D.01 \(Special Independent District: Minneapolis\)](#)

[Minn. Stat. §128D.04 \(District Like Independent District; Exception\)](#) [Minn. Stat. § 123B.143, Subd. 1 \(Superintendent\)](#)

MPS Policy Cross References:

[Policy 8110 \(Purposes and Role of the Board\)](#)[Policy 8500 \(Board Director Development\)](#)

SECTION 8: AMENDMENT “Policy 8510: Conflict Of Interest” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 8510: Conflict Of Interest

1. PURPOSE

~~The purpose of this policy is to establish the commitment of the Board of Directors to engage in District business activities in accordance with law and in a manner designed to avoid any conflict of interest or appearances of impropriety.~~ The purpose of this policy is to observe state statutes regarding conflicts of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

2. GENERAL STATEMENT OF POLICY

It is the policy of the school board to contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

3. GENERAL STATEMENT OF POLICY

- ~~a. The Board of Directors of Special School District No. 1, Minneapolis Public Schools will contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflicts of interest or the appearances thereof.~~
- ~~b. The Board will contract under the exceptions to the statutory prohibition only when it is clearly in the best interests of the District because of limitations that~~

- may exist on the goods or services provided in the contract that are otherwise available to the District.
- e. ~~All contracts under the statutory exceptions must be in accordance with law and by a unanimous vote.~~
 - d. ~~The Board will not employ a teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full Board.~~
 - e. ~~The Board will not contract with a class of school district employees where the spouse of a Director is a member of the class, unless~~
 - i. ~~the spouse of the Director receives no special monetary or other benefit that is substantially different from that other members of the class receive under the contract;~~
 - ii. ~~the Director spouse abstains from voting regarding the contract; and~~
 - iii. ~~the essential facts of the contract are publicly set out at the meeting where the contract is approved.~~
 - f. ~~In the event that a Director has a personal financial interest in a sale, lease or contract with the District which was entered into before the Director took office and presents an actual or potential conflict of interest, the Director shall:~~
 - i. ~~disclose such interest immediately upon discovery to the Board; and~~
 - ii. ~~refrain from participating in any action related to that interest.~~
 - g. ~~If a contract for sale, lease or purchase that meets the criteria of Paragraph 2.F. above is considered for renewal, the contract will only be renewed if it meets one of the statutory exceptions to the general prohibition, and the contract negotiations and conclusion follow the procedures required by law.~~

4. RESPONSIBILITY

- a. ~~It is the responsibility of every Director to disclose any actual or potential conflict of interest to notify the Board immediately upon discovery of such a conflict.~~
- b. ~~The determination of whether or not a conflict of interest exists is to be made by the board.~~
 - i. ~~Directors with actual or potential conflicts shall cooperate with other Directors in the process of determining whether or not a conflict exists.~~
 - ii. ~~Findings of the Board on conflicts shall be made publicly.~~

5. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS

- a. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- b. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
 - i. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school

district funds and as a source of borrowing, provided such deposited funds are protected in accordance with Minnesota Statutes, chapter 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the school board minutes. Disclosure shall be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and need only be made once;

- ii. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only newspaper complying with statutory requirements relating to the designation or publication;
- iii. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
- iv. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:
 - (1) The school board shall authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
 - (2) In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
 - (3) Before a claim is paid, the interested school board member shall file with the clerk of the school board an affidavit stating:
 - (A) The name of the school board member and the office held;
 - (B) An itemization of the goods or services furnished;
 - (C) The contract price;
 - (D) The reasonable value;
 - (E) The interest of the school board member in the contract; and
 - (F) That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
- v. A school board member may contract with the school district to provide construction materials or services, or both, when the sealed bid process is used. When the contract comes before the school board for consideration, the interested school board member may not vote

on the contract.

vi. A school board member may rent space in a public facility at a rate commensurate with that paid by other members of the public.

c. In the following circumstances, the school board may as an exception, by majority vote at a meeting at which all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee only if there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$20,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or to continue in employment at a meeting at which all school board members are present, that employment is immediately terminated and that school board member has no further rights to employment while serving as a school board member in the school district.

d. The school board may contract with a class of school district employees, such as teachers or custodians, when the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. For the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting in which the contract is approved.

6. LIMITATIONS ON RELATED EMPLOYEES

a. The school board must hire or dismiss teachers only at duly called meetings. When a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.

b. The school board may not employ any teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full school board.

7. CONFLICTS PRIOR TO TAKING OFFICE

A school board member with personal financial interest in a sale, lease, or contract with the school district which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the

enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

8. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

Original Adoption:

04/25/1967 (as Policy 8240)

Revision Dates:

10/12/1971, 12/12/1972, 11/12/1991, 08/11/2009

Legal References:

[Minn. Stat. §122A.40, Subd. 3 \(Employment; Contracts; Termination; Hiring, Dismissing\)](#)

[Minn. Stat. §123B.195 \(Board Members' Right to Employment\)](#)

[Minn. Stat. §471.87 \(Public Officers, Interest in Contract; Penalty\)](#)

[Minn. Stat. §471.88 \(Exceptions\)](#)

[Minn. Stat. §471.89 \(Contract, When Void\)](#)

MPS Policy Cross References:

[Policy 3000 \(Conflicts of Interest and Fiduciary Duty\)](#)

[Policy 3001 \(Gifts to District Personnel\)](#)

[Policy 3003 \(Nepotism\)](#)

[Policy 8110 \(Purposes and Role of the Board\)](#)

[Policy 8111 \(Duties of Directors\)](#)

SECTION 9: ADOPTION “Policy 4300: Gifts To Employees And Board Members” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

ADOPTION

Policy 4300: Gifts To Employees And Board Members(*Added*)

1. PURPOSE

The purpose of this policy is to avoid the appearance of impropriety or the appearance of a conflict of interest with respect to gifts given to school district employees and school board members.

2. GENERAL STATEMENT OF POLICY

- a. The school district recognizes that students, parents, and others may wish to show appreciation to school district employees. The policy of the school district, however, is to discourage gift-giving to employees and to encourage donors instead to write letters and notes of appreciation or to give small tokens of gratitude as memorabilia.
- b. A violation of this policy occurs when any employee solicits, accepts, or receives, either by direct or indirect means, a gift from a student, parent, or other individual or organization of greater than nominal value.
- c. A violation of this policy occurs when any employee solicits, accepts, or receives a gift from a person or entity doing business with or seeking to do business with the school district. Employees may accept items of insignificant value of a promotional or public relations nature or a plaque with a resale value of \$5 or less with an inscription recognizing an individual for an accomplishment. The superintendent has discretion to determine what value is “insignificant.”
- d. Teachers may accept from publishers free samples of textbooks and related teaching materials.
- e. This policy applies only to gifts given to employees where the donor’s relationship with the employee arises out of the employee’s employment with the school district. It does not apply to gifts given to employees by personal friends, family members, other employees, or others unconnected to the employee’s employment with the school district.
- f. An elected or appointed member of a school board, a school superintendent, a school principal, or a district school officer, including the school business official, may not accept a gift from an interested person.

3. DEFINITIONS

- a. “Gift” means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment that is given without something of equal or greater value being received in return.
- b. “Interested person” means a person or a representative of a person or association that has a direct financial interest in a decision that a school board member, a superintendent, a school principal, or a district school officer is authorized to make.
- c. “Financial interest” means any ownership or control in an asset which has the potential to produce a monetary return.

4. PROCEDURES

Any employee considering the acceptance of a gift shall confer with the administration for guidance related to the interpretation and application of this policy.

5. VIOLATIONS

Employees who violate the provisions of this policy may be subject to discipline, which may include reprimand, suspension, and/or termination or discharge.

Original Adoption: Legal References:

Minn. Stat. § 10A.07 (Conflicts of Interest)

Minn. Stat. § 10A.071 (Prohibition of Gifts)

Minn. Stat. § 15.43 (Acceptance of Advantage by State Employee; Penalty)

Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

MPS Policy Cross References: