

## Regular Monthly Board Meeting

Monday, July 10, 2023 5:30 PM

High School Media Center, 810 First Street North, Pine River, MN 56474

### 1. Call to Order and Pledge to the Flag

**Speaker(s):** Board Chair

**Members:** Leslie Bouchonville, Wanda Carlson, Chris Cunningham, Roger D. Hoplin, Nicki Linsten-Lodge, David Sheley, Ryan Trumble and Superintendent Jonathan Clark

### 2. Welcome to Visitors

**Speaker(s):** Board Chair

#### 2.1. Public Comments and Time for Interaction with the Board on Agenda Items

**Speaker(s):** Board Chair

### 3. Approve Agenda (and addendum, if included)

#### 4. Approve Minutes from the May 15, 2023 special school board meeting and the June 5, 2023 regular meeting

**Speaker(s):** Board Chair

### 5. Informational Items

#### 5.1. Principal Reports

#### 5.2. Director Reports

#### 5.3. Superintendent Report

#### 5.4. ESSER Funding

### 6. Consent Calendar

#### 6.1. Approve Bills Presented

#### 6.2. Approve Investment Report

#### 6.3. Approve Treasurer's Report

#### 6.4. Approve Electronic Funds Transfers and Other Banking Transactions

#### 6.5. Adopt Resolution Accepting Monetary Awards and Donations

#### 6.6. Approve Personnel Items as Listed

#### 6.7. Approve the 2023-24 Elementary Student Handbook

#### 6.8. Approve the Pine River-Backus Elementary Local Literacy Plan

#### 6.9. Award contract for Milk and Related Products to Kemps for the period of July 1, 2023 to June 30, 2024

### 7. Discussion Items

#### 7.1. Second Reading of Policies:

- 203.6 Consent Agenda

- 605 Alternative Programs
- 610 Field Trips

## 8. Action Items

### 8.1. Reading and Approval of Policies:

- 701 Establishment and Adoption of School District Budget
- 702 Accounting
- 703 Annual Audit
- 704 Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System
- 705 Investments
- 706 Acceptance of Gifts
- 707 Transportation of Public School Students
- 710 Extracurricular Transportation
- 711 Video Recording on School Buses
- 712 Video Surveillance Other Than on Buses
- 714 Fund Balances
- 720 Vending Machines
- 721 Uniform Grant Guidance Policy Regarding Federal Revenue Sources
- 722 Public Data Requests

### 8.2. Third Reading and Approval of Policies:

- 405 Veterans Preference
- 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse
- 415 Mandated Reporting of Maltreatment of Vulnerable Adults
- 416 Drug and Alcohol Testing
- 417 Chemical Use and Abuse
- 501 School Weapons Policy
- 515 Protection and Privacy of Student Records
- 522 Student Sex Nondiscrimination
- 529 Staff Notification of Violent Behavior by Students
- 535 Service Animals in Schools

## 9. Open Forum

## 10. Adjourn

## 11. Closed Session:

**The School Board will close the meeting pursuant to Minn. Stat. 13D.03 Subd. 3 in order to consider strategy for labor negotiations with Pine River-Backus Education Minnesota**

**The meeting will reopen.**

A special meeting of the Board of Education was held in the Pine River-Backus High School Media Center at 5:30 p.m. on Monday, May 15, 2023 with Chair Cunningham presiding.

Members present: Wanda Carlson, Chris Cunningham, Roger D. Hoplin, Nicki Linsten-Lodge, David Sheley, Ryan Trumble and Superintendent Jonathan Clark. Leslie Bouchonville was absent.

Motion by Carlson, second by Trumble, to approve the agenda. All voted aye and the motion carried.

First reading of policies:

- 405 Veterans Preference
- 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse
- 415 Mandated Reporting of Maltreatment of Vulnerable Adults
- 416 Drug and Alcohol Testing
- 417 Chemical Use and Abuse
- 418 Drug Free Workplace/Drug Free School
- 501 School Weapons Policy
- 507 Corporal Punishment
- 515 Protection and Privacy of Student Records
- 522 Student Sex Non Discrimination
- 524 Internet Acceptable Use and Safety Policy
- 529 Staff Notification of Violent Behavior by Students
- 532 Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds
- 535 Service Animals in Schools

Motion by Sheley, second by Linsten-Lodge, to approve a contract with Jonathan Clark, Superintendent for 2023-2026. All voted aye and the motion carried.

Motion by Hoplin, second by Carlson, to read and approve policies:

- 401 Equal Employment Opportunity
- 402 Disability Nondiscrimination Policy
- 403 Discipline, Suspension and Dismissal of School District Employees
- 404 Employment Background Checks
- 406 Public and Private Personnel Data
- 407 Employees Right to Know – Exposure to Hazardous Substances
- 408 Subpoena of a School District Employee
- 409 Employee Publications, Instructional Materials, Inventions and Creations
- 412 Expense Reimbursement
- 413 Harassment and Violence
- 419 Tobacco-free Environment
- 420 Students and Employees with Sexually Transmitted Infections and Diseases and Certain other Communicable Diseases and Infections
- 421 Gifts to Employees and School Board Members
- 422 Policies Incorporated by Reference
- 423 Employee Student Relationships
- 427 Workload Limits for Certain Special Education Teachers
- 502 Search of Student Lockers, Desks, Personal Possessions and Student's Person
- 503 Student Attendance
- 504 Student Dress and Appearance
- 505 Distribution of Non-school Sponsored Materials on School Premises by Students and Employees
- 508 Extended School Year for Certain Students with Individualized Education Programs
- 509 Enrollment of Nonresident Students
- 510 School Activities
- 510.1 Extra Curricular and Activity Eligibility Policy
- 511 Student Fundraising
- 512 School Sponsored Student Publications and Activities
- 513 Student Promotion, Retention and Program Design
- 514 Bullying Prohibition Policy
- 516 Student Medication
- 518 DNR-DNI Orders
- 519 Interviews of Students by Outside Agencies
- 520 Student Surveys

- 521 Student Disability Nondiscrimination
- 523 Policies Incorporated by Reference
- 525 Violence Prevention
- 526 Hazing Prohibition
- 527 Students Use and Parking of Motor Vehicles, Patrols, Inspections and Searches
- 528 Student Parental, Family and Marital Status Nondiscrimination
- 530 Immunization Requirements
- 531 The Pledge of Allegiance
- 533 Wellness

All voted aye and the motion carried.

Motion by Carlson, second by Sheley, to delete policy 509.1 Resident Student Enrolled in Online Learning Program.  
All voted aye and the motion carried.

Motion by Carlson, second by Hoplin, to close the meeting per Minnesota State Law 13D.03 Subd. 3 in order to discuss strategy for labor negotiations with Pine River-Backus Education Minnesota. All voted aye and the motion carried.

The meeting was closed at 5:42 p.m. and reopened at 6:11 p.m.

Chair Cunningham adjourned the meeting at 6:12 p.m.

Wanda Carlson, Clerk  
Recorded by Cindy Felthous

A meeting of the Board of Education was held in the High School Media Center at 5:30 p.m. on Monday, June 5, 2023 with Chair Cunningham presiding.

Members present: Leslie Bouchonville, Wanda Carlson, Chris Cunningham, Roger D. Hoplin, Nicki Linsten-Lodge, David Sheley, Ryan Trumble and Superintendent Jonathan Clark.

The floor was opened for comments from the public on agenda items.

Motion by Carlson, second by Hoplin, to approve the agenda. All voted aye and the motion carried.

Motion by Hoplin, second by Trumble, to approve the minutes of the May 1, 2023 regular board meeting and the May 15, 2023 special meeting. All voted aye and the motion carried.

Administrative team, director, enrollment and Esser financial reports were heard.

Consent Calendar - Motion by Bouchonville, second by Linsten-Lodge, to approve the Consent Calendar, which consisted of the following items:

- Approve bills presented (checks 73411-73668 totaling \$437,785.43); approve the investment report; approve the treasurer's report; approve the report on electronic fund transfers and other banking transactions; adopt a resolution accepting monetary awards and donations; and
- Approve Personnel Items:
  - Accept the resignation of Sinthea Rose Cheshire, Special Education Teacher, effective June 1, 2023 and authorize posting for a replacement;
  - Accept the resignation of Jacob Hradsky, Mid-level Science Teacher, effective June 1, 2023 and authorize posting for a replacement;
  - Approve the hiring of Kasandra Heisserer as High School English/Language Arts Teacher effective with the 2023-24 school year;
  - Approve the hiring of Stephanie Koprek as Special Education Teacher effective with the 2023-24 school year;
  - Approve the hiring of Jocelyn Rozumny as Career and Technical Education Teacher effective with the 2023-27 school year; and
  - Approve the hiring of Leah Wheeler as Youth and Family Services Worker effective with the 2023-24 school year.
- Set activity participation fees for 2023-24 at: junior high (grades 7-9) \$70; senior high (grades 10-12) \$80; hockey set by Pequot Lakes; and annual max per family \$300.
- Set athletic admission fees for 2023-24 at: adult \$7; student \$4; senior (age 65 and over) \$4; PRB K-12 students with ID – free; PRB staff with employee badge – free; family season pass \$100; single season pass \$60; and student season pass \$40.
- Set building usage fees for 2023-24:
  - Non-profit group: No fee for use of building space. Custodial and technology services and equipment fees will be billed for services used.
  - For profit group: \$75 for gym, commons or kitchen and \$30 for a classroom. Additional charges for custodial and technology services and equipment fees will be billed for services used.
- Set cell phone reimbursement rate for 2023-24 at \$60 per month.
- Approve a resolution for 2023-24 membership in the Minnesota State High School League;
- Approve a revised 2023-25 at-will employee letter of assignment with the ALP Director;
- Award contract for trash collection to Waste Partners for the period of July 1, 2023 to June 30, 2024;
- Award contract for bread and related products to Pan-O-Gold for the period of July 1, 2023 to June 30, 2024; and
- Award contract for diesel fuel to Northern Star Cooperative for the period of July 1, 2023 to June 30, 2024.

All voted aye and the motion carried.

Discussion items:

- Second reading of policies:
  - 405 Veterans Preference
  - 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse
  - 415 Mandated Reporting of Maltreatment of Vulnerable Adults
  - 416 Drug and Alcohol Testing
  - 417 Chemical Use and Abuse
  - 418 Drug Free Workplace/Drug Free School
  - 501 School Weapons Policy

- 507 Corporal Punishment
- 515 Protection and Privacy of Student Records
- 522 Student Sex Non Discrimination
- 524 Internet Acceptable Use and Safety Policy
- 529 Staff Notification of Violent Behavior by Students
- 532 Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds
- 535 Service Animals in Schools
- 2023-24 preliminary budget. Jolene Bengtson, Business Manager, presented an overview of the budget.
- First reading of policies:
  - 203.6 Consent Agenda
  - 516.5 Overdose Medication
  - 603 Curriculum Development
  - 605 Alternative Programs
  - 610 Field Trips
- Pine River-Backus Elementary Local Literacy Plan. A draft of the plan was shared with board members. Board approval of the plan will be requested in July.
- 2023-24 Elementary Student Handbook. A draft of the 2023-24 elementary student handbook was shared with board members. Board approval of the handbook will be requested in July.
- Juneteenth holiday and MOU with Local 284. Effective in 2023 Juneteenth has been declared a federal and state holiday and no public business can be conducted. The PRB campus will be closed on June 19, 2023. A MOU has been drafted with Local 284 to add Juneteenth as a paid holiday for employees working 11 or more months per year.

Motion by Carlson, second by Bouchonville, to approve a resolution authorizing the FY 2025 long term facilities maintenance plan. All voted aye and the motion carried.

Motion by Shelley, second by Linsten-Lodge, to approve the 2023-24 preliminary budget. All voted aye and the motion carried.

Motion by Carlson, second by Hoplin, to read and approve policies:

- 101 Legal Status of the School District
- 102 Equal Educational Opportunity
- 103 Complaints
- 104 School District Mission Statement
- 201 Legal Status of the School Board
- 202 School Board Officers
- 203 Operation of the School Board, Governing Rules
- 203.1 School Board Procedures; Rules of Order
- 203.5 School Board Meeting Agenda
- 204 School Board Meeting Minutes
- 205 Open and Closed Meetings
- 206 Persons at School Board Meetings and Data Privacy Considerations
- 207 Public Hearings
- 208 Development, Adoption and Implementation of Policies
- 209 Code of Ethics
- 210 Conflict of Interest - School Board Members
- 211 Criminal or Civil Action Against School District, School Board Member, Employee or Student
- 212 School Board Member Development
- 213 School Board Committees
- 214 Out-of-State Travel by School Board Members
- 301 School District Administration
- 302 Superintendent
- 303 Superintendent Selection
- 304 Superintendent Contract, Duties and Evaluation
- 305 Policy Implementation
- 306 Administrator Code of Ethics
- 601 School District Curriculum and Instructional Goals
- 602 Organization of School Calendar and School Days
- 604 Instructional Curriculum
- 606 Textbook and Instructional Materials

- 607 Organization of Grade Levels
- 608 Instructional Services - Special Education
- 609 Religion
- 611 Home Schooling
- 612.1 Development of Parent and Family Engagement Policies for Title I Programs
- 614 School District Testing Plan and Procedure
- 615 Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans and LEP Students
- 616 School District System Accountability
- 618 Assessment of Student Achievement
- 619 Staff Development for Standards
- 620 Credit for Learning
- 624 Online Learning Options

All voted aye and the motion carried.

Motion by Bouchonville, second by Carlson, to a Memorandum of Understanding with Service Employees International Union, Local 284 adding Juneteenth as a paid holiday for those working eleven or more months in a year. All voted aye, except Cunningham abstained, and the motion carried.

Open forum – The meeting was opened for comments from the public.

Motion by Carlson, second by Hoplin, to close the meeting pursuant to Minn. Stat. 13D.05 sub 3(b) (attorney-client privilege) to discuss pending administrative complaints and possible action related to threatened and ongoing litigation. All voted aye and the motion carried.

The meeting was closed at 6:05 p.m. and reopened at 6:51 p.m.

Motion by Hoplin, second by Bouchonville, to close the meeting pursuant to Minn. Stat. 13D.03 Subd. 3 in order to consider strategy for labor negotiations with Pine River-Backus Education Minnesota. All voted aye and the motion carried.

The meeting was closed at 6:52 p.m. and reopened at 7:31 p.m.

Cunningham adjourned the meeting at 7:31 p.m.

Wanda Carlson, Clerk  
Recorded by Cindy Felthous

Jon Clark, Superintendent  
Chris Halverson, High School Principal  
Rick Aulie, Elementary Principal  
Sue Peet, ALC Director  
Charity Crannel, Transportation Director  
Kevin Furst, Technology Director

# PINE RIVER-BACKUS SCHOOLS ISD 2174

Troy Gregory, Community Ed Director  
Jolene Bengtson, Business Manager  
Cindy Felthous, Human Resources  
Jill Blanchard, Food Service Director  
Karl Flier, Bldgs & Grounds Director  
Tim Tungseth, Activity Director



## School Board Report for July 10th, 2023 *Current Happenings at PR-B High School*

### **PRB High School Site Goals:**

- The percent of PR-B high school students who can identify a positive adult connection with PR-B staff will increase by 20% over the 2022-23 school year
- 80% of PR-B high school students will meet their math and reading MCA growth goals set by the Department of Education during the 2022-2023 school year.
- Level Two HRS Certification (Complete - Celebrate!)

### **2021-2022 Level 1 Current Goals: Safe & Collaborative School**

- -Administer Level 1 and 2 Surveys to staff, parents, students (*Established*)
- -Utilize monitoring system to identify lagging indicators - *In-Action*
- -Continue to strengthen PBIS program - *ongoing*
- -Implementation of Catalyst Strategies at the habitual and systems level - *daily/ongoing (training in Catalyst 1 toward certification)*
- -Professional Learning Teams - *2 Wednesdays per month*
- -ALICE/Crisis Planning - *Ongoing*

### **Focus of Effective Instructional Practices: (HRS Level 2)**

- Standards, Rigor, Vocabulary, Common Model of Instruction, Instructional Rounds, REACH, Envoy Strategies, Learning Goals Posted, HRS Framework
- -Marzano Art & Science of Teaching Learning Segment(s) (PLC focus)
- -Learning Goals Posted, Rigor, Vocabulary, Common Model of Instruction, Instructional Rounds

### **Professional Learning Teams**

- PLC's are starting to get going. Staff will begin their PLC this year by choosing an element from Robert Marzano's "Art & Science of Teaching". PLCs will also be concentrating on essential standards and best practice in the remote setting during this school year. PLC's are under way and the feedback from faculty and the PLC Learning Team notes prove that we are creating and facilitating a model that creates and fosters teaching and learning growth and development. This is very positive for our school!
- The purpose of a professional learning community is: (BASE NORMS)
  - **To ensure that students learn**
  - **To ensure a culture of professional collaboration for school improvement**
  - **To focus on results**
  - **To be action oriented**

Jon Clark, Superintendent  
Chris Halverson, High School Principal  
Rick Aulie, Elementary Principal  
Sue Peet, ALC Director  
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## **Professional Development Opportunities/ Staffing / Communication:**

- We are still looking to fill a Social Studies position and a Special Education position to fill our schedule, but we are making plans to adapt to whatever scenario is our reality.
- Mrs. Sigan, Mr. Aulie and myself have been collaborating on the Master Schedule for next year. Things are coming together as we solidify staff and courses needed.
- The Administration Team took part in the Annual Leadership Retreat held at Madden's Resort. It was a very worthwhile experience and much was accomplished. The Effective Schools Blueprint was our guiding document and Supt. Clark and Sourcewell Representatives led us through the process very efficiently. We analyzed data and made action steps for the upcoming year. "Communication" at all levels was one main area of discussion and planning. "Thank You" for your continued support for this valuable time to collaborate and make our district better.
- I will be sharing the PRB High School Handbook with you all and I will be asking for your approval in August. Currently, we are waiting for some guidance from MSBA and we would like to utilize their Model Handbook to assure further clarity in a few areas that have been affected by new legislation. I will share those updates as early in August as possible to allow you time to review them.
- High School lockers, rooms, and gyms are being cleaned. The hard work of Karl and his staff is much appreciated. Their attention to detail and hard work is unmatched, judging from my past experience in other districts.

## **PR-B High School Student Activities**

- This is a very quiet time of the year for school sponsored activities. Although I do see the Drivers Ed. students in the building and our PRB workout/exercise room being utilized often in the mornings.

## **Items for August**

1. Finalize class rosters and place with teachers.
2. Take care of new enrollees and any withdraws
3. Data review and planning
4. Professional Development plans, requests, and more.
5. Review and approve additional purchase orders, time cards, and more.
6. Organize committees, members, meeting dates/times, etc. for next year.
7. Review and plan Teacher Development and Evaluation obligations for next year.
8. Highly Reliable Schools (HRS) Work

Jon Clark, Superintendent  
Chris Halverson, High School Principal  
Rick Aulie, Elementary Principal  
Sue Peet, ALC Director  
Charity Crannel, Transportation Director  
Kevin Furst, Technology Director

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## Upcoming dates/events

- August 7th - 2023-24 Sports Meeting
- August 8th - 18th - Summer School
- August 8th and 9th - Leadership Summit
- August 14th - Fall Sports Start
- August 21st - New Teacher Orientation

Respectfully,  
Chris A. Halverson



- **Annual Leadership Retreat held at Madden's Resort**

**Teach Inspire Grow Excel Reach Succeed! TIGERS!**

**FEDERAL FUNDS UPDATE - Allocation, Budget, Spending 7/5/2023**

**FEDERAL COVID FUNDS:**

State Fiscal Year	Finance Code	Description	Funds Available	Funds Budgeted	Balance Unbudgeted	YTD SPENT 2022-2023	Carry Forward to FY2024	Application Status	Budget Status	Proposed Use of Funds
2023	155	Formula 155 - SFY2023 Budget Only	\$38,015.03	\$38,015.03	\$0.00	\$38,015.03	\$0.00	None Needed	Funded and Active	Balance to final payments on security camera system install approved FY2022.
2023	160	Formula 160 - SFY2023 Budget Only	\$1,050,059.31	\$375,214.75	\$674,844.56	\$375,214.75	\$674,844.56	In Process	Funded and Active	2.0 fte Interventionists - High School Health Services Addition - \$200,000 in FY2023, balance to finish in FY2024
2023	161	Formula 161 - SFY2023 Budget Only	\$362,909.06	\$111,204.00	\$251,705.06	\$109,540.13	\$253,368.93	In Process	Funded and Active	1.0 fte Curriculum Coordinator District, extended time for teachers to work with Curriculum Coordinator
2023	171	Formula - 171 - SFY2023, Pandemic Enrollment Loss	\$31,029.51	\$31,029.51	\$0.00	\$31,029.51	\$0.00	None Needed	Submitted	Curriculum purchase updates as approved by Curriculum Coordinator Staffing for Summer School 2022 Teachers on Call substitutes for COVID needs
<b>FEDERAL COVID FUNDS TOTAL</b>			<b>\$1,482,012.91</b>	<b>\$555,463.29</b>	<b>\$926,549.62</b>	<b>\$553,799.42</b>	<b>\$928,213.49</b>			

**FEDERAL TITLE FUNDS:**

State Fiscal Year	Finance Code	Description	Funds Available	Funds Budgeted	Balance Unbudgeted	YTD SPENT 2022-2023	Carry Forward to FY2024	Application Status	Budget Status	Proposed Use of Funds
2023	401	Formula - 401 - SFY 2023, Title I, Part A: Improving the Academic Achievement of the Disadvantaged, FFY 2022, CFDA 84.010A, S010A220023A	\$301,413.96	\$288,049.00	\$13,364.96	\$281,269.31	\$20,144.65	Funded & Active Cindy Ward Thomson 9/15/2022	Same	3.0 fte Title I Teachers - Elementary
2023	414	Formula - 414 - SFY 2023, Title II, Part A: Teacher and Principal Training and Recruitment, FFY 2022, CFDA 84.367A, S367A220022	\$59,792.31	\$59,792.31	\$0.00	\$59,687.67	\$104.64	Funded & Active Renee Ringold 9/8/2022	Same	Staff Development - extended time for curriculum alignment and intervention implementation training and training on appropriate methods for data review, conferences and supplies.
2023	433	Formula - 433 - SFY 2023, Title IV, Part A, Student Support and Academic Enrichment, FFY 2022, CFDA 84.424A, S424A220024	\$0.00	\$0.00	\$0.00	N/A	N/A	No Application Needed	Same	All \$16,885.07 Title IV Funds transferred to Title II. No FY2023 application in Title IV.
<b>FEDERAL TITLE FUNDS TOTAL</b>			<b>\$361,206.27</b>	<b>\$347,841.31</b>	<b>\$13,364.96</b>	<b>\$340,956.98</b>	<b>\$20,249.29</b>			

**NOTE: Budgets have been adjusted to Revised 2022-23 Budget projections. YTD spending is up to date. Carry Forward amounts assume Unbudgeted FY2023 Funds + Unspent FY2023 Funds are used in FY2024.**

**PINE RIVER BACKUS SCHOOLS**  
**Check Register by Bank and Check**

Batch Co	Bank	Pymt No	Check No	Pay Type	Grp	Code	Rcd	Vendor	Print	Recon	Void	Currency	Pmt/Void Date	Amount
2174	CHEC	74966	73669	Check	1	105262		BEST WESTERN CHELSEA	Yes	No	No	USD	06/01/2023	1,236.88
		74962	73670	Check	1	103137		PEBBLE CREEK GOLF COURSE	Yes	No	No	USD	06/01/2023	48.00
		74963	73671	Check	1	103137		PEBBLE CREEK GOLF COURSE	Yes	No	No	USD	06/01/2023	48.00
		74964	73672	Check	1	103137		PEBBLE CREEK GOLF COURSE	Yes	No	No	USD	06/01/2023	48.00
		74965	73673	Check	1	103137		PEBBLE CREEK GOLF COURSE	Yes	No	No	USD	06/01/2023	150.00
		74967	73674	Check	1	102611		BUSINESS CARD	Yes	No	No	USD	06/02/2023	5,355.15
		75001	73675	Check	1	105304		ALL STAR TROPHY AND AWARDS, IN	Yes	No	No	USD	06/08/2023	194.00
		75004	73676	Check	1	105519		ARMSTRONG, SARAH JO	Yes	No	No	USD	06/08/2023	957.91
		75003	73677	Check	1	105460		BAUMAN, GINA	Yes	No	No	USD	06/08/2023	200.24
		74988	73678	Check	1	103887		BERGEM, TIFFANY	Yes	No	No	USD	06/08/2023	75.65
		74991	73679	Check	1	104348		BIX PRODUCE CO.	Yes	No	No	USD	06/08/2023	2,142.11
		74974	73680	Check	1	10045		BRIDGE OF HARMONY	Yes	No	No	USD	06/08/2023	104.00
		74969	73681	Check	1	00376		BUREAU OF CRIMINAL APPREHENS	Yes	No	No	USD	06/08/2023	30.00
		74997	73682	Check	1	104763		BURNS, STEPHANIE	Yes	No	No	USD	06/08/2023	777.00
		74981	73684	Check	1	102716		CENEX CREDIT CARD	Yes	No	No	USD	06/08/2023	3,583.14
		74978	73685	Check	1	101604		CENTRAL MCGOWAN, INC - 139156	Yes	No	No	USD	06/08/2023	60.55
		75008	73686	Check	1	13500		CENTRAL MINNESOTA ERDC	Yes	No	No	USD	06/08/2023	2,606.11
		75009	73687	Check	1	14850		CITY OF PINE RIVER	Yes	No	No	USD	06/08/2023	1,579.08
		74972	73688	Check	1	01119		CLIMATE MAKERS	Yes	No	No	USD	06/08/2023	733.57
		74995	73689	Check	1	104701		CULINEX	Yes	No	No	USD	06/08/2023	59.68
		75010	73690	Check	1	18200		CULLIGAN	Yes	No	No	USD	06/08/2023	215.97
		74970	73691	Check	1	00418		DACOTAH PAPER CO	Yes	No	No	USD	06/08/2023	1,308.55
		74986	73692	Check	1	103607		DINNEL, MICHAEL	Yes	No	No	USD	06/08/2023	214.70
		74983	73693	Check	1	103012		EDUCATORS BENEFIT CONSULTANT	Yes	No	No	USD	06/08/2023	266.89
		75011	73694	Check	1	26000		ELECTRIC MOTOR SERVICE, INC.	Yes	No	No	USD	06/08/2023	398.37
		75012	73695	Check	1	31800		GARDINER HARDWARE	Yes	No	No	USD	06/08/2023	741.60
		74982	73696	Check	1	102806		HANDYMANS HARDWARE	Yes	No	No	USD	06/08/2023	149.88
		75013	73697	Check	1	37650		HILLYARD/HUTCHINSON	Yes	No	No	USD	06/08/2023	1,494.47
		74968	73698	Check	1	00277		HODGES BADGE CO	Yes	No	No	USD	06/08/2023	240.47
		74979	73699	Check	1	102101		INNOVATIVE OFFICE SOLUTIONS	Yes	No	No	USD	06/08/2023	747.35
		74977	73700	Check	1	101369		INTERQUEST DETECTION CANINES	Yes	No	No	USD	06/08/2023	340.00
		75006	73701	Check	1	105653		JAMESTOWN VOLLEYBALL	Yes	No	No	USD	06/08/2023	2,800.00
		75014	73702	Check	1	44820		K & K BUILDING SUPPLY, INC.	Yes	No	No	USD	06/08/2023	477.00
		75015	73703	Check	1	51950		KEMPS, LLC	Yes	No	No	USD	06/08/2023	4,428.90
		74999	73704	Check	1	105170		LOGE, AUTUMN	Yes	No	No	USD	06/08/2023	28.90
		75016	73705	Check	1	55065		MASBO	Yes	No	No	USD	06/08/2023	25.00
		74987	73706	Check	1	103757		MIDWEST SPECIALTY INSTRUMENTS	Yes	No	No	USD	06/08/2023	149.00
		75017	73707	Check	1	55200		MINNESOTA CLAY COMPANY	Yes	No	No	USD	06/08/2023	1,403.06
		75007	73708	Check	1	105654		NASSP	Yes	No	No	USD	06/08/2023	95.00
		74998	73709	Check	1	104890		NEE MINNESOTA PROJECTS LLC	Yes	No	No	USD	06/08/2023	9,169.63
		75019	73710	Check	1	62855		NORTH PINE RIVER TIRE SERVICE	Yes	No	No	USD	06/08/2023	794.56

## PINE RIVER BACKUS SCHOOLS

### Check Register by Bank and Check

Batch	Co	Bank	Pymt No	Check No	Pay Type	Grp	Code	Rcd	Vendor	Print	Recon	Void	Currency	Pmt/Void Date	Amount
2174		CHEC	75018	73711	Check	1	62176		NORTHERN PINES MENTAL HEALTH	Yes	No	No	USD	06/08/2023	4,444.00
			74976	73712	Check	1	100798		NORTHERN STAR CO-OP	Yes	No	No	USD	06/08/2023	12,072.10
			75002	73713	Check	1	105376		OLSON, TRACY	Yes	No	No	USD	06/08/2023	213.66
			75005	73714	Check	1	105652		PETERSON, LAINEY	Yes	No	No	USD	06/08/2023	600.00
			74993	73715	Check	1	104547		PINE RIVER AREA FOOD SHELF	Yes	No	No	USD	06/08/2023	230.00
			75020	73716	Check	1	68800		PINE RIVER ELECTRIC	Yes	No	No	USD	06/08/2023	364.00
			74996	73717	Check	1	104757		QUALITY EQUIPMENT SALES & SERV	Yes	No	No	USD	06/08/2023	524.13
			74984	73718	Check	1	103229		REGION 5A MSHSL	Yes	No	No	USD	06/08/2023	300.00
			74985	73719	Check	1	103229		REGION 5A MSHSL	Yes	No	No	USD	06/08/2023	325.00
			74994	73720	Check	1	104622		SAFARI NORTH WILDLIFE PARK	Yes	No	No	USD	06/08/2023	1,437.87
			74973	73721	Check	1	100434		SCHOOL SPECIALTY	Yes	No	No	USD	06/08/2023	459.90
			75021	73722	Check	1	84450		SUPREME SCHOOL SUPPLY COMPAI	Yes	No	No	USD	06/08/2023	168.23
			74992	73723	Check	1	104486		TEACHERS ON CALL	Yes	No	No	USD	06/08/2023	3,361.28
			74989	73724	Check	1	104076		TROPHIES PLUS INC	Yes	No	No	USD	06/08/2023	177.00
			74990	73725	Check	1	104144		UNITED STATES TREASURY	Yes	No	No	USD	06/08/2023	55.10
			75022	73726	Check	1	89210		UPPER LAKES FOODS, INC.	Yes	No	No	USD	06/08/2023	6,978.00
			74975	73727	Check	1	100701		WASTE PARTNERS	Yes	No	No	USD	06/08/2023	2,587.15
			75000	73728	Check	1	105267		WEIZENNEGER-ENGEL INSURANCE	Yes	No	No	USD	06/08/2023	6,205.00
			74971	73729	Check	1	00566		XCEL ENERGY	Yes	No	No	USD	06/08/2023	5,715.20
			75026	73731	Check	1	103919		ZINDA, MATT	Yes	No	No	USD	06/13/2023	210.00
			75037	73732	Check	1	105304		ALL STAR TROPHY AND AWARDS, INI	Yes	No	No	USD	06/14/2023	482.50
			75030	73733	Check	1	10045		BRIDGE OF HARMONY	Yes	No	No	USD	06/14/2023	9.50
			75045	73734	Check	1	12825		CAROLINA BIOLOGICAL SUPPLY CO.	Yes	No	No	USD	06/14/2023	2,202.71
			75038	73735	Check	1	105327		CLARK, JON	Yes	No	No	USD	06/14/2023	388.76
			75027	73736	Check	1	01119		CLIMATE MAKERS	Yes	No	No	USD	06/14/2023	2,050.65
			75046	73737	Check	1	18200		CULLIGAN	Yes	No	No	USD	06/14/2023	46.35
			75028	73738	Check	1	100427		FORUM COMMUNICATIONS COMPAN	Yes	No	No	USD	06/14/2023	1,269.42
			75040	73739	Check	1	105628		GOWELL, JOHNATHAN	Yes	No	No	USD	06/14/2023	139.54
			75047	73740	Check	1	37650		HILLYARD/HUTCHINSON	Yes	No	No	USD	06/14/2023	1.85
			75034	73741	Check	1	104950		JACKI BRICKMAN, INC.	Yes	No	No	USD	06/14/2023	170.00
			75048	73742	Check	1	44550		JOSTENS INC.	Yes	No	No	USD	06/14/2023	454.75
			75033	73743	Check	1	104222		KINSER, BEN	Yes	No	No	USD	06/14/2023	548.84
			75041	73744	Check	1	105629		LATHROP, CHAD MICHAEL	Yes	No	No	USD	06/14/2023	139.54
			75043	73745	Check	1	105656		LEXI NELSON DESIGNS	Yes	No	No	USD	06/14/2023	699.72
			75032	73746	Check	1	101847		MSHSCA	Yes	No	No	USD	06/14/2023	70.00
			75049	73747	Check	1	58360		NASCO	Yes	No	No	USD	06/14/2023	1,953.03
			75031	73748	Check	1	100459		PAN-O-GOLD BAKING CO	Yes	No	No	USD	06/14/2023	897.04
			75050	73749	Check	1	67575		PINE RIVER AREA SANITARY DIST.	Yes	No	No	USD	06/14/2023	3,407.67
			75044	73750	Check	1	10650		PINE RIVER FAMILY MARKET	Yes	No	No	USD	06/14/2023	303.68
			75029	73751	Check	1	100434		SCHOOL SPECIALTY	Yes	No	No	USD	06/14/2023	641.27
			75039	73752	Check	1	105426		SHUTTERFLY LIFETOUCH LLC	Yes	No	No	USD	06/14/2023	34.15

**PINE RIVER BACKUS SCHOOLS**  
**Check Register by Bank and Check**

Batch Co	Bank	Pymt No	Check No	Pay Type	Grp	Code	Rcd	Vendor	Print	Recon	Void	Currency	Pmt/Void Date	Amount
2174	CHEC	75036	73753	Check	1	105263		SYSTEMATIC TECHNOLOGIES, LLC.	Yes	No	No	USD	06/14/2023	630.00
		75035	73754	Check	1	105195		TUNGSETH, TIM	Yes	No	No	USD	06/14/2023	104.80
		75042	73755	Check	1	105655		VIA ACTUARIAL SERVICES	Yes	No	No	USD	06/14/2023	5,000.00
		75058	73756	Check	1	02080		AFLAC	Yes	No	No	USD	06/15/2023	100.00
		75059	73757	Check	1	102933		AUL	Yes	No	No	USD	06/15/2023	6,350.00
		75061	73758	Check	1	70801		NCPERS Group Life Ins	Yes	No	No	USD	06/15/2023	16.00
		75060	73759	Check	1	68350		PINE RIVER-BACKUS	Yes	No	No	USD	06/15/2023	5,906.28
		75062	73760	Check	1	77300		SCHOOL SERVICE EMPLOYEES	Yes	No	No	USD	06/15/2023	1,448.80
		75064	73761	Check	1	105368		COLONIAL LIFE	Yes	No	No	USD	06/20/2023	2,757.91
		75063	73762	Check	1	104817		Minnesota Life Insurance Company	Yes	No	No	USD	06/20/2023	931.75
		75073	73763	Check	1	104763		BURNS, STEPHANIE	Yes	No	No	USD	06/21/2023	180.25
		75080	73764	Check	1	13500		CENTRAL MINNESOTA ERDC	Yes	No	No	USD	06/21/2023	142.80
		75076	73765	Check	1	105476		CRAMER, SUE	Yes	No	No	USD	06/21/2023	174.91
		75067	73766	Check	1	100195		DAY'S SANITARY SEWER SVC	Yes	No	No	USD	06/21/2023	672.00
		75070	73767	Check	1	103607		DINNEL, MICHAEL	Yes	No	No	USD	06/21/2023	81.93
		75069	73768	Check	1	101957		GILLES, JASON	Yes	No	No	USD	06/21/2023	100.00
		75081	73769	Check	1	37100		HESLOP, JAMES STEVEN	Yes	No	No	USD	06/21/2023	1,792.00
		75082	73770	Check	1	37650		HILLYARD/HUTCHINSON	Yes	No	No	USD	06/21/2023	773.68
		75071	73771	Check	1	103999		KRECKLAU, HENRY	Yes	No	No	USD	06/21/2023	100.00
		75083	73772	Check	1	55200		MINNESOTA CLAY COMPANY	Yes	No	No	USD	06/21/2023	69.83
		75084	73773	Check	1	55800		MINNESOTA POWER	Yes	No	No	USD	06/21/2023	1,663.90
		75085	73774	Check	1	58360		NASCO	Yes	No	No	USD	06/21/2023	15.60
		75077	73775	Check	1	105620		NAVIGATE 360, LLC	Yes	No	No	USD	06/21/2023	1,498.00
		75068	73776	Check	1	100434		SCHOOL SPECIALTY	Yes	No	No	USD	06/21/2023	195.81
		75074	73777	Check	1	104844		SELECT THERAPY, INC.	Yes	No	No	USD	06/21/2023	300.00
		75072	73778	Check	1	104305		SPIELMAN, TERESA KAY	Yes	No	No	USD	06/21/2023	1,645.00
		75078	73779	Check	1	105633		SPRINGER, GREGORY A.	Yes	No	No	USD	06/21/2023	210.00
		75079	73780	Check	1	105657		STRUSS, RIAN	Yes	No	No	USD	06/21/2023	100.00
		75086	73781	Check	1	84450		SUPREME SCHOOL SUPPLY COMPAI	Yes	No	No	USD	06/21/2023	89.31
		75066	73782	Check	1	04800		TDS TELECOM	Yes	No	No	USD	06/21/2023	4,870.88
		75075	73783	Check	1	105281		WRIGHT SPECIALTY PREMIUM TRUS	Yes	No	No	USD	06/21/2023	75.00
		75087	73784	Check	1	105549		MetLife	Yes	No	No	USD	06/23/2023	979.51
		75088	73785	Check	1	03175		NATIONAL INSURANCE SERVICES	Yes	No	No	USD	06/26/2023	810.71
		75090	73786	Check	1	103917		BERG, PHILIP CURTIS	Yes	No	No	USD	06/26/2023	210.00
		75089	73787	Check	1	101739		ROZINKA, DAVID	Yes	No	No	USD	06/26/2023	210.00
		75099	73788	Check	1	101979		ABRAHAM, MONICA	Yes	No	No	USD	06/29/2023	45.00
		75114	73789	Check	1	105658		AMERICAN LEGION POST 255	Yes	No	No	USD	06/29/2023	205.00
		75098	73790	Check	1	101822		BUECKERS, JOHN & JESSIE	Yes	No	No	USD	06/29/2023	686.88
		75093	73791	Check	1	00376		BUREAU OF CRIMINAL APPREHENSIO	Yes	No	No	USD	06/29/2023	15.00
		75115	73792	Check	1	12825		CAROLINA BIOLOGICAL SUPPLY CO.	Yes	No	No	USD	06/29/2023	24.75
		75095	73793	Check	1	01016		CASS COUNTY SHERIFF'S OFFICE	Yes	No	No	USD	06/29/2023	1,657.88

## PINE RIVER BACKUS SCHOOLS

### Check Register by Bank and Check

Batch	Co	Bank	Pymt No	Check No	Pay Type	Grp	Code	Rcd	Vendor	Print	Recon	Void	Currency	Pmt/Void Date	Amount
2174		CHEC	75112	73794	Check	1	105147		CHROMEBOOKPARTS.COM	Yes	No	No	USD	06/29/2023	499.80
			75096	73795	Check	1	01119		CLIMATE MAKERS	Yes	No	No	USD	06/29/2023	2,452.54
			75105	73796	Check	1	103992		CRANNELL, CHARITY	Yes	No	No	USD	06/29/2023	64.57
			75108	73797	Check	1	104489		FUN EXPRESS LLC	Yes	No	No	USD	06/29/2023	216.95
			75116	73798	Check	1	34975		GRINNING BEAR ROLL-OFF	Yes	No	No	USD	06/29/2023	626.00
			75117	73799	Check	1	37650		HILLYARD/HUTCHINSON	Yes	No	No	USD	06/29/2023	6,396.48
			75104	73800	Check	1	103966		IEA INC	Yes	No	No	USD	06/29/2023	3,100.00
			75101	73801	Check	1	102101		INNOVATIVE OFFICE SOLUTIONS	Yes	No	No	USD	06/29/2023	124.59
			75100	73802	Check	1	102081		KENNEDY & GRAVEN	Yes	No	No	USD	06/29/2023	6,298.00
			75110	73803	Check	1	104948		MIDWEST BUS PARTS, INC.	Yes	No	No	USD	06/29/2023	475.75
			75092	73804	Check	1	00071		NORTHLAND STEAM CLEANERS	Yes	No	No	USD	06/29/2023	1,080.00
			75106	73805	Check	1	104077		OFFICE SUPPLY.COM	Yes	No	No	USD	06/29/2023	100.50
			75102	73806	Check	1	102417		RTS	Yes	No	No	USD	06/29/2023	4.54
			75097	73807	Check	1	100434		SCHOOL SPECIALTY	Yes	No	No	USD	06/29/2023	136.46
			75111	73808	Check	1	104951		SHERWOOD FLORIST	Yes	No	No	USD	06/29/2023	111.78
			75107	73809	Check	1	104136		SHI INTERNATIONAL CORP	Yes	No	No	USD	06/29/2023	6,954.00
			75109	73810	Check	1	104625		SPECIALTY SOLUTIONS LLC	Yes	No	No	USD	06/29/2023	4,950.22
			75113	73811	Check	1	105195		TUNGSETH, TIM	Yes	No	No	USD	06/29/2023	106.11
			75103	73812	Check	1	103628		VERIZON WIRELESS	Yes	No	No	USD	06/29/2023	98.46
			75094	73813	Check	1	00566		XCEL ENERGY	Yes	No	No	USD	06/29/2023	471.69
			75120	73814	Check	1	102611		BUSINESS CARD	Yes	No	No	USD	07/05/2023	3,284.60
			75127	73815	Check	1	12825		CAROLINA BIOLOGICAL SUPPLY CO.	Yes	No	No	USD	07/05/2023	164.92
			75118	73816	Check	1	101604		CENTRAL MCGOWAN, INC - 139156	Yes	No	No	USD	07/05/2023	58.75
			75128	73817	Check	1	40800		IND SCHOOL DIST #186	Yes	No	No	USD	07/05/2023	4,059.86
			75123	73818	Check	1	104156		MARCHWICK CHIROPRACTIC	Yes	No	No	USD	07/05/2023	90.00
			75129	73819	Check	1	55065		MASBO	Yes	No	No	USD	07/05/2023	110.00
			75125	73820	Check	1	105574		NOR-SON CONSTRUCTION LLC	Yes	No	No	USD	07/05/2023	221,916.05
			75126	73821	Check	1	105659		NUMOTION	Yes	No	No	USD	07/05/2023	10,988.56
			75122	73822	Check	1	104140		RAINBOW LAWNS IRRIGATION SYST	Yes	No	No	USD	07/05/2023	319.78
			75124	73823	Check	1	105554		SCHMITT DIRECTOR CENTER	Yes	No	No	USD	07/05/2023	175.00
			75119	73824	Check	1	102084		TEACHER DIRECT	Yes	No	No	USD	07/05/2023	204.80
			75121	73825	Check	1	103830		WHITE, ROYCE	Yes	No	No	USD	07/05/2023	130.00
Bank Total: CHEC														\$426,428.89	
Report Total:														\$426,428.89	

**PINE RIVER-BACKUS SCHOOLS**

Investment Report

July 10, 2023

**Brokered CD's**

<u>Name of Bank</u>	<u>Address</u>	<u>Orig Date</u>	<u>Maturity Date</u>	<u>Days</u>	<u>Amount</u>	<u>Percent</u>	<u>10-Jul-23 Interest To Date</u>
Franklin Bank	Franklin, TN	4/19/2021	4/19/2024	1096	\$ 99,000.00	1.50%	\$ 3,303.62
<i>Total Brokered CD's</i>					<u>\$ 99,000.00</u>		

**Investments in Local Banks**

<u>Name of Bank</u>	<u>Address</u>	<u>Orig Date</u>	<u>Maturity Date</u>	<u>Days</u>	<u>Amount</u>	<u>Percent</u>	<u>Accrued Interest</u>
Pine River State Bank (no broker)	Pine River, MN	1/12/2022	1/12/2025	36	\$ 249,652.60	0.65%	\$ 49,652.60
First National Bank of Walker (no broker)	Backus, MN	11/14/2022	11/14/2023	12	\$ 103,716.61	1.75%	\$ 4,716.61
<i>Total Pine River State Bank CD's</i>					<u>\$ 353,369.21</u>		

**MN School District Liquid Asset Fund**

<u>Name of Account / Bank</u>	<u>Orig Date</u>	<u>Maturity Date</u>	<u>Amount</u>	<u>Percent</u>	<u>Interest To Date</u>
MSDLAF Max & Liquid Class	NA	NA	\$ 5,177,512.91	Blended	NA
<i>Total MSDLAF</i>			<u>\$ 5,177,512.91</u>		

**Business Treasury Savings Account (QZAB)**

<u>Name of Bank</u>	<u>Address</u>	<u>Orig Date</u>	<u>Maturity Date</u>	<u>Amount</u>	<u>Percent</u>	<u>Interest To Date</u>
Minnesota Bank & Trust	Edina, MN	9/3/2010	9/3/2024	\$ 769,895.34	3.04%	\$ 192,442.26
				<u>\$ 769,895.34</u>		

**Scholarship Funds**

<u>Name of Fund</u>	<u>Maturity Date</u>	<u>Term</u>	<u>Amount</u>	<u>Percent</u>
Good Citizen Scholarship Savings Acct			536.60	0.15%
Marshall Scholarship CD	7/17/2025	36	29,858.98	0.90%
Marshall Savings			9,228.99	0.15%
Alfred Weise Scholarship CD	9/3/2023	48	5,514.45	1.61%
Alfred Weise Scholarship Savings			1,011.54	0.15%
Fillings (Reighard) Scholarship CD	4/16/2023	48	7,260.90	1.60%
Fillings (Reighard) Scholarship Savings Acct			568.22	0.15%
Evelyn W. Berg Savings			8,120.13	0.15%
Sheila Joan Anderson Scholarship CD	4/4/2025	48	1,309.14	0.80%
Sheila Joan Anderson Savings Acct			463.46	0.15%
Dennis Heemstra Scholarship CD - FNB	2/17/2025	60	105,318.26	2.02%
Dennis Heemstra Scholarship CD - FNB	4/3/2024	48	119,705.48	1.50%
Dennis Heemstra Scholarship CD - FNB	9/22/2026	48	59,073.34	1.55%
Dennis Heemstra Scholarship Savings - PRSB			9,484.74	0.50%
PR-B Scholarship CD	4/10/2025	36	10,517.34	0.65%
PR-B Scholarship Savings Acct			42,325.23	0.15%
Evan Lindquist Memorial Scholarship CD	6/20/2024	48	39,626.15	1.00%
Evan Lindquist Memorial Scholarship Savings			2,480.25	0.15%
Earl & Violet Fenton CD	5/2/2024	48	4,896.50	1.41%
Earl & Violet Fenton Savings Acct			405.65	0.15%
<i>Total Pine River State Bank / First National Bank Walker</i>			<u>\$ 457,705.35</u>	

**TOTAL INVESTMENTS**

\$ 6,087,587.47

**Notes & Changes from prior report:**

*Balances updated per bank statements - PRSB CDs, MSDLAF, QZAB and Scholarships*

**PINE RIVER BACKUS SCHOOLS**  
Multi Year Fd, Obj Series

Sequence: Fd, O/S	Description	202112			202212			202312		
		Budget rbud21	Year to Date	%	Budget rbud22	Year to Date	%	Budget rbud23	Year to Date	%
01	General Fund									
	100 Salaries & Wages	6,398,761.00	6,394,211.27	100%	6,732,315.00	6,763,234.05	100%	6,880,441.00	6,808,862.23	99%
	200 Employee Benefits	1,745,599.00	1,705,128.54	98%	1,780,984.00	1,801,354.08	101%	1,851,652.00	1,807,003.75	98%
	300 Purchased Services	1,252,702.00	1,106,437.29	88%	1,419,565.00	1,313,922.47	93%	1,369,010.00	1,258,069.07	92%
	400 Supplies & Materials	682,399.00	612,233.96	90%	513,907.00	504,856.85	98%	480,914.00	405,927.97	84%
	500 Capital Expenditures	64,052.00	84,528.86	132%	0.00	1,262.68	0%	0.00	18,289.84	0%
	800 Other Expenditures	24,094.00	51,330.92	213%	24,094.00	49,995.71	208%	(4,406.00)	23,033.50	(523%)
	900 Other Financing Uses	110,000.00	88,387.04	80%	110,000.00	199,276.68	181%	545,000.00	0.00	0%
01	General Fund	10,277,607.00	10,042,257.88	98%	10,580,865.00	10,633,902.52	101%	11,122,611.00	10,321,186.36	93%
02	Food Service Fund									
	100 Salaries & Wages	182,276.00	169,560.02	93%	181,931.00	182,315.27	100%	191,126.00	187,000.25	98%
	200 Employee Benefits	42,158.00	42,237.10	100%	44,886.00	44,878.44	100%	46,971.00	46,481.98	99%
	300 Purchased Services	11,390.00	12,493.34	110%	11,520.00	13,541.29	118%	20,520.00	20,963.08	102%
	400 Supplies & Materials	239,333.00	257,713.32	108%	257,500.00	287,242.69	112%	344,340.00	333,813.66	97%
	500 Capital Expenditures	5,000.00	0.00	0%	5,000.00	2,610.57	52%	5,000.00	1,257.97	25%
	800 Other Expenditures	1,200.00	1,278.50	107%	1,200.00	696.00	58%	1,200.00	2,467.00	206%
02	Food Service Fund	481,357.00	483,282.28	100%	502,037.00	531,284.26	106%	609,157.00	591,983.94	97%
03	Transportation Fund									
	100 Salaries & Wages	450,738.00	455,280.99	101%	468,263.00	476,851.01	102%	453,000.00	441,012.04	97%
	200 Employee Benefits	90,312.00	87,028.81	96%	87,806.00	87,214.02	99%	82,705.00	79,667.31	96%
	300 Purchased Services	33,102.00	39,782.58	120%	29,902.00	37,236.66	125%	25,188.00	73,132.30	290%
	400 Supplies & Materials	159,000.00	118,072.16	74%	161,000.00	170,213.14	106%	181,000.00	183,523.71	101%
	500 Capital Expenditures	130,000.00	153,357.87	118%	163,958.00	201,005.40	123%	130,000.00	103,475.92	80%
	800 Other Expenditures	4,810.00	2,830.00	59%	3,600.00	2,825.00	78%	3,600.00	4,850.00	135%
03	Transportation Fund	867,962.00	856,352.41	99%	914,529.00	975,345.23	107%	875,493.00	885,661.28	101%
04	Community Service									
	100 Salaries & Wages	207,159.00	199,923.42	97%	259,361.00	247,662.83	95%	276,805.00	264,229.77	95%
	200 Employee Benefits	56,970.00	54,165.31	95%	80,734.00	78,079.76	97%	87,634.00	85,963.12	98%
	300 Purchased Services	25,658.00	11,570.27	45%	28,715.00	59,144.57	206%	32,215.00	31,931.73	99%
	400 Supplies & Materials	13,800.00	8,014.67	58%	15,100.00	14,746.84	98%	13,100.00	23,452.28	179%

**PINE RIVER BACKUS SCHOOLS**  
**Multi Year Fd, Obj Series**

Sequence: Fd, O/S	Description	202112			202212			202312		
		Budget rbud21	Year to Date	%	Budget rbud22	Year to Date	%	Budget rbud23	Year to Date	%
04	Community Service									
	<b>800 Other Expenditures</b>	5,550.00	7,136.08	129%	5,700.00	1,726.45	30%	5,700.00	730.00	13%
<b>04</b>	<b>Community Service</b>	<b>309,137.00</b>	<b>280,809.75</b>	<b>91%</b>	<b>389,610.00</b>	<b>401,360.45</b>	<b>103%</b>	<b>415,454.00</b>	<b>406,306.90</b>	<b>98%</b>
05	Capital Expenditure									
	<b>300 Purchased Services</b>	138,310.00	135,530.27	98%	180,040.00	182,075.44	101%	102,000.00	133,569.02	131%
	<b>400 Supplies &amp; Materials</b>	79,100.00	92,444.17	117%	79,100.00	78,588.97	99%	79,100.00	80,507.51	102%
	<b>500 Capital Expenditures</b>	184,554.00	156,342.60	85%	289,422.00	354,914.11	123%	442,015.00	477,093.50	108%
	<b>900 Other Financing Uses</b>	0.00	0.00	0%	0.00	7,437.25	0%	0.00	0.00	0%
<b>05</b>	<b>Capital Expenditure</b>	<b>401,964.00</b>	<b>384,317.04</b>	<b>96%</b>	<b>548,562.00</b>	<b>623,015.77</b>	<b>114%</b>	<b>623,115.00</b>	<b>691,170.03</b>	<b>111%</b>
06	Construction									
	<b>500 Capital Expenditures</b>	401,765.00	212,611.25	53%	227,740.00	313,220.47	138%	0.00	0.00	0%
<b>06</b>	<b>Construction</b>	<b>401,765.00</b>	<b>212,611.25</b>	<b>53%</b>	<b>227,740.00</b>	<b>313,220.47</b>	<b>138%</b>	<b>0.00</b>	<b>0.00</b>	<b>0%</b>
07	Debt Redemption Fund									
	<b>700 Debt Service</b>	504,564.00	536,444.65	106%	523,612.00	475,500.96	91%	532,711.00	531,713.59	100%
	<b>900 Other Financing Uses</b>	0.00	2,645,000.00	0%	0.00	0.00	0%	0.00	0.00	0%
<b>07</b>	<b>Debt Redemption Fund</b>	<b>504,564.00</b>	<b>3,181,444.65</b>	<b>631%</b>	<b>523,612.00</b>	<b>475,500.96</b>	<b>91%</b>	<b>532,711.00</b>	<b>531,713.59</b>	<b>100%</b>
08	Scholarship									
	<b>800 Other Expenditures</b>	65,200.00	48,375.00	74%	43,150.00	46,050.00	107%	53,850.00	53,850.00	100%
<b>08</b>	<b>Scholarship</b>	<b>65,200.00</b>	<b>48,375.00</b>	<b>74%</b>	<b>43,150.00</b>	<b>46,050.00</b>	<b>107%</b>	<b>53,850.00</b>	<b>53,850.00</b>	<b>100%</b>
20	Student Activity Fund									
	<b>400 Supplies &amp; Materials</b>	184,889.97	66,917.03	36%	198,309.25	130,424.33	66%	184,188.49	214,029.12	116%
<b>20</b>	<b>Student Activity Fund</b>	<b>184,889.97</b>	<b>66,917.03</b>	<b>36%</b>	<b>198,309.25</b>	<b>130,424.33</b>	<b>66%</b>	<b>184,188.49</b>	<b>214,029.12</b>	<b>116%</b>
	<b>Report Totals:</b>	<b>13,494,445.97</b>	<b>15,556,367.29</b>	<b>115%</b>	<b>13,928,414.25</b>	<b>14,130,103.99</b>	<b>101%</b>	<b>14,416,579.49</b>	<b>13,695,901.22</b>	<b>95%</b>

## PINE RIVER BACKUS SCHOOLS

### Payment Reg by Bank and Check

Bank	Batch	Pmt No	Check No	Pay Type	Grp Code	Rcd	Vendor	Tax Class	Pay/Void			Amount	
									Print	Recon	Void		Date
CHEC		74846		Wire	1	105351	MEDICA		No	No	No	06/01/2023	82,254.94
CHEC		74961		Wire	1	102611	BUSINESS CARD		No	No	No	06/01/2023	3,015.28
CHEC		75023		Wire	1	102302	PUBLIC EMPLOYEE RETIRE ASSOC		No	No	No	06/08/2023	2,306.74
CHEC		75024		Wire	1	102611	BUSINESS CARD		No	No	No	06/08/2023	5,161.81
CHEC		75051		Wire	1	102302	PUBLIC EMPLOYEE RETIRE ASSOC		No	No	No	06/15/2023	24,207.99
CHEC		75052		Wire	1	102303	STATE OF MN TAX WITHHOLDING		No	No	No	06/15/2023	25,083.84
CHEC		75053		Wire	1	102304	US GOVT TAX WITHHOLDING		No	No	No	06/15/2023	156,659.60
CHEC		75054		Wire	1	104958	FURTHER		No	No	No	06/15/2023	6,015.93
CHEC		75055		Wire	1	104996	Minnesota State Retirement System		No	No	No	06/15/2023	550.00
CHEC		75056		Wire	1	105150	AVIBEN		No	No	No	06/15/2023	16,739.71
CHEC		75057		Wire	1	83400	MN TEACHERS RETIREMENT ASSOC		No	No	No	06/15/2023	85,775.87
CHEC		75065		Wire	1	105351	MEDICA		No	No	No	07/03/2023	80,931.30
CHEC		75091		Wire	1	104958	FURTHER		No	No	No	06/27/2023	2,392.66
Bank Total:												\$491,095.67	
Report Total:												\$491,095.67	

## Resolution Accepting Monetary Awards and Donations

Be it resolved by the School Board of Independent School District No 2174 that we hereby acknowledge and accept the following monetary awards and donations received in June 2023:

<u>Name</u>	<u>Amount</u>	<u>Purpose</u>
Northward Homes	\$50.00	Boys Basketball Program
First National Bank	\$100.00	Boys Basketball Program
Schrupp Excavating	\$200.00	Boys Basketball Program
Scamp Trailers	\$1,000.00	Boys Basketball Program
United Methodist Church	\$230.00	PRB Tiger Den
North Central Economic Development Assoc	\$5,000.00	Innovative School Project
Casey's General Store Loyalty Program	\$3.40	Elementary Programs
Bjerga's Feed Store	\$100.00	PRB Scholarships

**ISD #2174  
Regular School Board Meeting  
July 10, 2023**

**PERSONNEL UPDATES**

**Resignations/Retirements:**

<b>Name</b>	<b>Position</b>	<b>Effective</b>	<b>Notes</b>
Timothy Ramler	Social Studies Teacher	6/12/2023	This will accept Tim's resignation and authorize posting for a replacement

**Hires:**

<b>Name</b>	<b>Position</b>	<b>Effective</b>	<b>Notes</b>
Cheryl Willenbring	Van Driver	2023-24 school year	At Will Agreement
Melissa Laposky	School Nurse	2023-24 school year	At Will Agreement
Molly Stockman	Elementary Special Education Teacher	2023-24 school year	Placement at BS+0/5 of teacher salary schedule

**Extra-Curricular:**

<b>Name</b>	<b>Position</b>	<b>Season</b>	<b>Notes</b>
Nathan Fischer	Varsity Football	2023	
Robert Johnson	Assistant Football	2023	
Michael Dinnel	Assistant Football	2023	
Erik Vetsch	Assistant Football	2023	
Mark Gonnion	Junior High Football	2023	
Michael Lupella	Junior High Football	2023	
Joshua Hirschey	Varsity Volleyball	2023	
Elizabeth Dahl	Assistant Volleyball	2023	
Benjamin Kinser	Assistant Volleyball	2023	
Leah Freeman	Junior High Volleyball	2023	
Karl Ludeman	Varsity Cross Country	2023	
Teresa Hamp	Football Cheerleading	2023	

**We have openings for a Varsity Cross Country Coach and a Junior High Volleyball Coach**

**Leave of Absence Requests:**

<b>Name</b>	<b>Position</b>	<b>Effective</b>	<b>Notes</b>
Olivia Becker	Youth and Family Service Worker	8/28/2023-11/14/2023	Maternity Leave

# Student Handbook 2023-2024



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Website: [www.prbschools.org](http://www.prbschools.org)

*This handbook is available on our website. Should you need a paper copy, please contact the elementary office by calling 218-587-4447*

<i>Board of Education</i>	<i>Superintendent</i>	<i>Principal</i>
<p><del>Mrs. Katy Botz</del> Mrs. Leslie Bouchonville Mrs. Wanda Carlson Mr. Chris Cunningham Mr. Roger Hoplin <del>Mrs. Nikki Linsten-Lodge</del> Mr. David Sheley Mr. Ryan Trumble</p>	<p>Mr. Jonathan Clark 587-8081</p>	<p>Mr. Rick Aulie 587-8309</p>

updated 6/1/22

## **PRINCIPAL'S MESSAGE**

Dear Parents/Guardians and Students:

It is my pleasure to welcome you to Pine River-Backus Elementary School. The faculty and staff join me in saying we are happy to have you as part of the Pine River-Backus family. We know this will be a successful and satisfying year for you all! PRB Elementary is a caring and kind school community focused on high achievement for all of our students. Please know we are committed to work tirelessly to ensure that this learning environment is safe, fun, and positive for your student! Thank you for choosing Pine River-Backus Elementary as the school to educate your child.

The pages of this handbook are filled with important information regarding school policies and procedures. I encourage parents and students to take time to review the contents together. If you have questions that remain unanswered after reading the handbook, please call the school office. We feel that open, clear, and consistent communication between school and home is important to the success of our educational program.

In addition, we feel that the handbook will serve as a helpful reference for parents as they seek to provide support at home. Pine River-Backus parents are partners in educating the children of our community.

We welcome your participation and support during the school year. Working together, we will be able to reach our collective and individual goals. We look forward to celebrating the achievements of our students with you.

Yours Together in Education,

Richard W. Auile  
Principal

**WELCOME TO  
PINE RIVER-BACKUS ELEMENTARY SCHOOL!  
Tiger Pride: Hear our ROAR!**



At Pine River-Backus Elementary School, students and staff practice Tiger Pride. To show Tiger Pride is to give our ROAR and be:

**Responsible, On-Task, Always Safe, Respectful**

### **District Mission Statement:**

The mission of the Pine River-Backus School District is to **Teach** and **Inspire** students to **Grow**, **Excel**, **Reach**, and **Succeed** in partnership with our learning community.

### **District Vision Statement:**

To be a “Destination District” focused on shaping the leaders of tomorrow through independence, creativity, and growth.

## **What is PBIS?**

**Positive Behavior Interventions and Support** is a systematic approach focusing on teaching and supporting appropriate school behavior for all students in the school. PBIS is a proactive approach to school-wide discipline. The result is a continuum of positive behavior support for all students, where:

- Behavioral Expectations are Defined
- Behavioral Expectations are Taught
- Appropriate Behaviors are Acknowledged
- Behavioral Errors are Corrected Proactively

The students of Pine River-Backus Elementary are taught the appropriate behaviors and the school's expectations in the classroom, hallways, locker area, playground, bathroom, cafeteria, library, computer labs, bus, assemblies, and at arrival and dismissal time. Our school-wide behavior expectations are listed on the next page.

Pine River-Backus Elementary School-wide Behavior Expectations - ROAR  
 ROAR Matrix may be updated to reflect COVID-19 safety procedures & guidelines

	<b>Responsible</b>	<b>On-Task</b>	<b>Always Safe</b>	<b>Respectful</b>
<b>Classroom</b>	<ul style="list-style-type: none"> <li>•Tell the truth</li> <li>•Work well in groups</li> <li>•Clean up</li> <li>•Complete daily jobs/ work</li> </ul>	<ul style="list-style-type: none"> <li>•Come to class prepared</li> <li>•Give your best effort</li> <li>•Stay focused</li> </ul>	<ul style="list-style-type: none"> <li>•Follow directions</li> <li>•Use materials appropriately</li> <li>•Walk</li> <li>*Use Body Basics</li> </ul>	<ul style="list-style-type: none"> <li>•Take turns</li> <li>•Listen</li> <li>•Use appropriate voice level</li> <li>•Use appropriate language.</li> </ul>
<b>Hallway/ Locker Area</b>	<ul style="list-style-type: none"> <li>•Walk quietly</li> <li>•Keep hallways clean</li> <li>•Keep locker area clean</li> </ul>	<ul style="list-style-type: none"> <li>•Walk to your destination</li> <li>•Have teacher permission</li> </ul>	<ul style="list-style-type: none"> <li>•Keep to the right</li> <li>•Walk</li> <li>•Stop at corners</li> </ul>	<ul style="list-style-type: none"> <li>•Keep hands/feet to self</li> <li>•Close locker doors quietly</li> </ul>
<b>Playground</b>	<ul style="list-style-type: none"> <li>•Stay in boundaries</li> <li>•Report broken equipment</li> <li>•Put equipment away</li> <li>•Put litter in garbage can</li> </ul>	<ul style="list-style-type: none"> <li>•Stop when the whistle blows</li> <li>•Be active</li> <li>•Be a good sport</li> </ul>	<ul style="list-style-type: none"> <li>•Use equipment properly</li> <li>•Line up calmly and quickly</li> <li>•Dress for the weather</li> <li>•Follow rules</li> </ul>	<ul style="list-style-type: none"> <li>•Talk, Walk away, Rock-paper-scissors</li> <li>•Treat equipment properly</li> <li>•Include others</li> <li>•Follow and listen to adults</li> <li>•Use appropriate language.</li> </ul>
<b>Bathroom</b>	<ul style="list-style-type: none"> <li>•Quickly and quietly take care of business</li> <li>•Flush</li> <li>•Shut off sinks</li> <li>•Report problems to an adult</li> </ul>	<ul style="list-style-type: none"> <li>•Use bathroom appropriately and efficiently</li> <li>•Return immediately to learning</li> </ul>	<ul style="list-style-type: none"> <li>•Respect privacy</li> <li>•Use toilet or urinal</li> <li>•Wash with soap and dry hands</li> </ul>	<ul style="list-style-type: none"> <li>•Keep bathroom clean</li> <li>•Use quiet voices</li> </ul>
<b>Cafeteria</b>	<ul style="list-style-type: none"> <li>•Follow directions from adults</li> <li>•Leave area clean</li> <li>•Remember lunch money reminders</li> <li>•Dump trays appropriately</li> </ul>	<ul style="list-style-type: none"> <li>•Begin eating immediately</li> <li>•Keep hands and feet to self</li> </ul>	<ul style="list-style-type: none"> <li>•Eat only the food on your tray</li> <li>•Sit on your bottom</li> <li>•Keep mouth closed when chewing</li> <li>•Walk at all times</li> </ul>	<ul style="list-style-type: none"> <li>•Say please and thank you</li> <li>•Include others</li> <li>•Use quiet voices and kind words</li> <li>•Try new foods</li> </ul>
<b>Library/ Comp. Lab</b>	<ul style="list-style-type: none"> <li>•Bring back books by due date in good condition</li> <li>•Follow directions</li> <li>•Use a ruler when you remove a book from the shelf</li> </ul>	<ul style="list-style-type: none"> <li>•Check out books before leaving</li> <li>•Keep organized and tidy</li> <li>•Work on assigned tasks</li> </ul>	<ul style="list-style-type: none"> <li>•Log-in and log-out correctly</li> <li>•Keep password and personal information private</li> </ul>	<ul style="list-style-type: none"> <li>•Use equipment and materials correctly</li> <li>•Whisper</li> <li>•Use good manners</li> </ul>
<b>Arrival/ Dismissal</b>	<ul style="list-style-type: none"> <li>•Take care of belongings (backpack, locker)</li> <li>•Be on time</li> <li>•Visit quietly in the main hall while waiting to enter at 8:10</li> </ul>	<ul style="list-style-type: none"> <li>•Eat breakfast promptly</li> <li>•Enter classroom by 8:25</li> <li>•Exit building by 3:05</li> </ul>	<ul style="list-style-type: none"> <li>•Have bus pass ready</li> <li>•Walk slowly</li> <li>•Carry/wear backpack appropriately</li> <li>•Store loose papers in backpack</li> </ul>	<ul style="list-style-type: none"> <li>•Enter and leave building quietly</li> <li>•Greet/say good-bye to others</li> <li>•Listen to adults</li> </ul>
<b>Assembly</b>	<ul style="list-style-type: none"> <li>•Be on time</li> <li>•Sit so that all can see</li> <li>•Voices off</li> </ul>	<ul style="list-style-type: none"> <li>•Pay attention to the speaker</li> <li>•Participate when asked</li> <li>•Answer questions appropriately</li> </ul>	<ul style="list-style-type: none"> <li>•Enter and exit following hallway procedures</li> <li>•Stay seated in assigned area</li> <li>•Wait until it is your turn to exit</li> <li>•Walk quietly down the bleachers</li> </ul>	<ul style="list-style-type: none"> <li>•Listen and watch the speaker</li> <li>•Use appropriate applause</li> <li>•Show appreciation</li> </ul>
<b>Bus</b>	<ul style="list-style-type: none"> <li>•Be ready and on time</li> <li>•Keep the bus clean</li> <li>•Take care of belongings</li> </ul>	<ul style="list-style-type: none"> <li>•Sit and face forward in seat, feet down</li> <li>•Leave bus promptly at your stop and go directly to destination</li> </ul>	<ul style="list-style-type: none"> <li>•Follow bus safety rules</li> <li>•Keep hands and feet to self</li> <li>•Report problems to the bus driver</li> </ul>	<ul style="list-style-type: none"> <li>•Listen to the bus driver</li> <li>•Use a quiet voice and kind words</li> <li>•Greet and thank the bus driver</li> </ul>

**2023-2024**  
**PINE RIVER-BACKUS**  
**ELEMENTARY SCHOOL**  
**CALENDAR**

August 8-19	Summer School (8:30-11:30)
August 22-25	Kindercamp (8:00-11:45)
August 30	Fall Orientation - Grades K-4 (8:00-3:20) by appt.
August 31	Fall Orientation - Grades K-4 (12:00-7:20)by appt.
August 31	Open House Grades 5 & 6 (5:00)
September 5	NO SCHOOL - Labor Day
September 6	First Day of School
October 20-21	NO SCHOOL (Education MN Conference)
November 4	End of 1st Quarter
November 7	NO SCHOOL (Teacher Professional Development)
November ? TBD - by appt.	Parent/Teacher Conferences
November 24-25	NO SCHOOL (Thanksgiving Break)
December 22-23	NO SCHOOL for KINDERGARTENERS
December 26-January 2	NO SCHOOL (Winter Break)
January 3	Classes Resume
January 16	NO SCHOOL(Teacher Professional Development)
January 18	End of 2nd Quarter & 1st semester
February 20	NO SCHOOL (Teacher Professional Development)
March 17	End of 3rd Quarter
March 20-24	NO SCHOOL (Spring Break)
April ? TBD - by appt.	Parent/Teacher Conferences
April 7	NO SCHOOL - Good Friday
May 26	Last Day of School - Graduation
May 30	Teacher Workday (FULL DAY)
May 31	Teacher Workday (HALF DAY)

## COVID-19

- ~~See Pine River Backus “PRB Schools COVID-19 Preparedness Plan” for procedures, safety guidelines, procedures, and more information related to the COVID-19 Pandemic.~~

## ATTENDANCE

Children need to be in class in order to get the very best possible education. Our intent is to work with you in providing the best possible education for your children. Research shows that the importance of daily attendance will provide them with the best possible education. It is our intent to be fair and consistent with students in all buildings within the district when handling attendance.

Absences should only be for illness or very important family events. A doctor’s statement may be requested by the building principal when illness interferes with the child’s achievement.

- **If your child has missed school, or will be missing school for any reason, you must call the office before 9:00 a.m. on the day of your child’s absence to verify.** If there is no notification by this time, the absences will be considered an unexcused absence. If you do not call, the school will call your home. Communication must be made between parent and school by phone or in writing for all absences.
- Even if the school has called your home, a note is requested for:
  - Being tardy
  - Being absent
  - Going anywhere except home after school. (Examples: Visiting friends; Going to birthday parties; Going to Grandma’s house; Taking a different bus, etc.)
- If your child reports after 9:30, it will be considered a morning absence. If your child leaves at 2:00 or before, it will be considered an afternoon absence.
- If your child misses one hour or more of instructional time, morning or afternoon, it is considered an absence.
- Lunch hour/recess is considered non-instructional time. Parents may check their children out in the office during this time and it will not be counted as an absence if he/she is returned before the lunch/recess time is over.

**NOTE:** Please check your child’s homeroom schedule for lunch/recess times.

## TARDINESS

- Tardiness is an extremely negative habit because it is harmful to the teaching/learning process. Tardiness interrupts the progress of the entire class each time it occurs and results in a loss of instructional time.
- Students will be considered tardy if they enter school after 8:25 and before 9:30. If they leave school between 2:05 and 3:10 in the afternoon, it will be considered an early out, equal to a tardy.
- Two unexcused tardies will be considered as a half-day absence.
- Four unexcused tardies will be considered as a whole day absence.

Excused absences may include, but are not limited to the following:

- Illness: Illness of a student is an acceptable excuse for missing school. A doctor's note may be required for excessive illness(es) beyond 5 consecutive school days. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse.
- Emergency: A family emergency such as death, fire, flood, etc.
- Vacations: Family trips are normally excused if the trip is with parents or guardians. Prior approval from the principal is required and student academic performance may be considered.
- Appointments: Parents are urged to make dental and medical appointments and other prearranged absences for their children outside of the school day if possible. If a student is taken for a doctor or dentist appointment during noon or recess and returned to school, the student will not be counted absent.
- Religious instruction offered through release time.
- School sponsored activities.
- Pine River-Backus School uses a collaborative response to student attendance issues that may arise. The school district collaborates with families to the best of our ability to support their needs of students. In the event a student attendance issue arises, the school will consult with Cass County Health Human and Veteran Services, our Cass County Attorney, and Cass County Probation per state statute.
  - The information below serves to establish a common understanding and clear stakeholder interventions that will engage, inform, and plan with parents and students to address statutorily required educational needs.
  - Pine River-Backus schools has established a School Attendance Review Board pursuant to Minnesota Statute § 260A.05. Our Attendance Review Board includes a variety of stakeholders that have developed a plan to promote interagency and community cooperation and to reduce the duplication of services for students with school attendance. Cass County has committed a Probation Officer and Social Worker to attend our established School Attendance Review Boards.
- Pine River-Backus Schools will use the protocol and procedures below to monitor and handle student attendance.
  1. Child starts displaying a pattern of absences or has up to 3 days unexcused absences (Includes Early Identification), the following school interventions take place.
    - a. Teacher takes attendance and verifies per the school's policy.
    - b. Student/Parent contacts- Contacts with Parents at elementary level and students AND parents at middle school and high school level
    - c. Elementary students can be engaged with to build rapport, however identification of barriers and solutions to those barriers should occur with the parent.
    - d. For Middle School and High School students, planning can be done with both students and parents.
    - e. Staff will clearly explain the process of how attendance will be taken.
    - f. Staff will identify barriers to student's attendance.
    - g. Staff will develop strategies with students and parents about removing barriers (transportation, video games, bus schedule, alarm clock, technology/connectivity,

family dynamics during COVID, living arrangements, learning space in the home, cultural barriers, etc.)

- h. Staff will make plans with students and/or parents about how to get the child to school.
- i. Staff will provide alternative options for how students can attend during the day if applicable.
- j. Staff will create a plan for how a student can attend if technology fails to work.
- k. Staff will make and document any referrals made for:
  - i. Homelessness- make referral to homeless liaison
  - ii. Mental Health- refer to school counselor or school social worker
  - iii. Medical concern - indicate medical concern and document referrals to school nurse
  - iv. Cultural – refer student to appropriate Diversity Liaison (if applicable)
- l. County requires cultural liaisons to be connected with families before county involvement will occur.
- m. Identify and address cultural barriers, such as reading and comprehending written English versus a conversation in English. Encourage students to get involved in community activities and build relationships with at least one positive adult support in the school.
- n. Checking the student’s history for chronic absenteeism.

### **State and County Truancy Intervention Policy**

Pine River-Backus Schools will send a 3-day letter to students that have 3 days unexcused absence (do not have to be consecutive). Letters are statutorily required, per Minnesota Statutes § 260A.03

A child meets “Habitual Truant” definition of 7 or more unexcused absences

\*(5-11 years) – 7 FULL days unexcused

\*(12-17 years) – 7 periods on 7 separate days

- School Interventions:
  - Continued communication with students and parents about attendance concerns
  - Positively reinforcing the child when/if they do come or participate in school
  - Continued work with Attendance Teams and problem solving. Follow up and revisions to any intervention plan or IEP.

Pine River-Backus Schools will send a 7-day letter to parent explaining concerns and potential of sending referral to Cass County Social Services

- Ensure all prior required and recommended interventions have been completed
- Interventions expected to be taken by the school prior to reporting to child protection include, but are not limited to:

\*Phone calls, texts, emails with parent and/or student

\*Face to face contact with parents and/or student

\*Confirming students are still in the district

\*Identifying any and all appropriate supports to ensure families have access to classes, which may include mental health referrals, transportation, referrals to childcare, and financial resources.

Pine River-Backus may refer the matter to the County Attorney’s Truancy Mediation Program. This is a program authorized by Minnesota Statute § 260A.07 that allows staff from the County Attorney’s Office to meet with parents and the student to discuss the possible legal consequences of truancy. This meeting is voluntary on the part of the parents and student and entirely educational. The referral should be made before the matter is referred to social services and the school should continue efforts to work with the parents and student. If truancy issues continue after this meeting and continued efforts by the school, then

the matter could then be referred to social services. If a referral is ultimately made to social services, the school should still continue to work with the parents and student and provide updates to social services.

*The complete Student Attendance Policy 503 is available in the elementary office or online.*

#### **CONTACTING OR REMOVING A STUDENT DURING SCHOOL HOURS**

- Parents are always welcome to visit Pine River-Backus Elementary School. We require that all visitors register in the school office and get a name badge and lanyard before going to the classrooms. If it should be necessary for a parent to contact a child during school hours, this must be done THROUGH THE SCHOOL OFFICE.
- **Do not go directly to the classroom with messages, lunches, money, etc.** These should be left in the office for the students. You may be asked to present a form of identification when picking up a child at the school if office staff do not recognize you or anyone else picking the student up. Please do not feel offended if we ask you for this. We want to keep your children safe.
- Parents may not text or call their child's cell phone to make arrangements to pick up their student. Your child is not allowed to use a cell phone during school and would be subject to school discipline if they use their phone to communicate with their parents.
- If it is necessary for a parent or guardian to remove a student before the end of the school day, the student must be signed out of the **District Office**. No student will be able to leave his/her classroom until the office has notified the teacher that the parent/guardian is in the office. All phone calls requesting students be dismissed will be redirected to the office. Teachers may have students ready to leave, however, students must wait in their classroom until notified. Students must be signed out in the office before leaving. If the student is not signed out, the student's absence will be considered the same as truant. In the case that a parent or guardian is suspected of alcohol or drug use, or under the influence, authorities may be called. Pine River-Backus Schools realizes that in today's world there are individual cases of custodial rights of parents. Divorce and custody rights can be hard for the school to sort out. When there are questions, local police authorities will be called. Please ensure that papers are on file in the office regarding these cases and who is allowed to pick up your child. Remember to send notes if something changes regarding custody arrangements.

#### **FIELD TRIPS**

- On occasion, classrooms may take educational field trips off campus. Field trips offer the opportunity to bring real-world learning experiences to our students and to enhance curriculum.
- Our teachers will always follow all of our safety protocols when taking students off campus.
- Students are expected to follow our school rules and ROAR expectations when on a field trip. In the event a student has a major behavior violation (fighting, running/hiding from the class, leaving the designated area, etc.) parents will be called and expected to make arrangements to pick their student up.
- Parents are required to sign the school field trip permission form that is sent home with their student.

#### **BACKPACKS**

- Students in grades 5 and 6 are not allowed to carry backpacks from class to class.
- Backpacks should remain in their locker at all times unless accommodations are necessary. In this event, the administration will need to approve this. This is for safety and consistency reasons.

#### **SCHOOL HOURS**

- School begins at 8:25 a.m. for all students
- The Elementary School dismisses **on a staggered dismissal schedule to keep traffic safe and**

efficient. The dismissal schedule is as follows:

- 1st Grade 3:04
- 2nd Grade: 3:06
- 3rd Grade: 3:08
- 4th Grade: 3:10
- Kindergarten: 3:12
- 5th/6th Grade: 3:15
- 3:10 p.m. for grades K-4 and 3:15 p.m. for 5/6

#### ARRIVAL TIME

- The elementary school does not provide morning supervision until 7:30am. Students are encouraged to not arrive at the building before 7:45am. If a pattern is noticed by a specific student or family and/or we have documented behavior concerns with your child arriving early, the parent(s) will be called for a conference. For your child's safety, he/she cannot be in the building when supervision is not scheduled.
- Students wishing to eat breakfast may enter the cafeteria at 7:45am
- Students are not allowed to enter the elementary part of our building until 8:00 a.m.

#### BUILDING SECURITY

- In order to ensure the safest learning environment possible, our building access for students in grades K-6 is limited to one district office entrance (door 33). **This door is locked and you will need to be let in.** Check with the office for information regarding access.
- Parents of early childhood students (ages 4 and under) may enter through door 26 in our Early Childhood Center. Students ages kindergarten and over need to be dropped off at door 33. This is for safety and security reasons.

#### TRANSPORTATION

- Any general changes in transportation of a student need to be communicated through the Transportation Director, Charity Crannel at 587-2026. Questions or concerns regarding behavioral or safety issues also need to be addressed through the Transportation Director. School bus rules are listed on ~~pages 10-11~~ **the following pages.**
- All transportation rules procedures are governed by our district transportation policy. It is a privilege to ride the bus. Students that do not follow the bus safety rules and our ROAR expectations may have a bus referral written. These students are subject to discipline by the building principal. This may include losing the privilege of riding the bus.

#### **\*\*CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR\*\***

- Consequences for school bus/bus stop misconduct will be imposed by the building principal. Serious misconduct may be reported to the Department of Public Safety and may be reported to local law enforcement.

#### **\*\*CONSEQUENCES OF POOR BUS CONDUCT\*\***

##### Elementary (preK-6)

- 1st Offense - Warning by driver to student and a discipline slip may be mailed home and parent may be called.
- 2nd Offense - A discipline slip may be mailed home. A parent will be called.
- 3rd Offense - 3 school day suspension from riding the bus may be issued.
- 4th Offense - 5 school day suspension from riding the bus may be issued.
  - Further offenses will be individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

- In or out of school suspension may be established by school officials

**Note:** Students must be in attendance at school during the days of bus suspension.

**Other Discipline**

- Based on the severity of a student’s conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school may also result from school bus/bus stop misconduct.
- Records of school bus/bus stop misconduct will be forwarded to the individual's school building and will be retained in the same manner as other student discipline records. Reports of serious misconduct will be provided to the Department of Public Safety. Records will also be maintained in the transportation office.
- **Evening Route**
  - If a student performs an act that obviously jeopardizes the safe operation of the bus on the evening route, the building principal in consultation with the transportation department may suspend the student from riding the bus the next morning. The principal will notify the parents and transportation director of this action.- If this is a substitute driver, he/she must also notify the regular driver. A written report shall also be filled out and delivered to the transportation director immediately following the next morning’s route detailing the incident. Riding privileges may not be reinstated until a conference is held with the driver, parent, child and administrator.

**\*\*RULES ON THE BUS (ROAR EXPECTATIONS)**

- Responsible: Be ready and on time, keep the bus clean, take care of belongings.
- On-Task: Sit and face forward in seat, feet down, leave bus promptly and go to your destination.
- Always Safe: Follow bus safety rules, keep hands and feet to self, report problems to the bus driver.
- Respectful: Listen to the bus driver directions, use a quiet voice/kind words, greet and thank the bus driver.
- Bus Safety Rules:
  - Keep all parts of your body inside the bus.
  - Keep your arms, legs and belongings to yourself.
  - No fighting, harassment, intimidation or horseplay.
  - Do not throw any object.
  - No eating, drinking or use of tobacco or drugs.
  - Do not bring any weapon or dangerous object on the bus.
  - Do not damage the school bus.
  - No sunflower seeds at any time.
  - Open and close windows only with permission of bus driver.
  - In case of road emergency, students should stay on the bus.
  - Remain seated until the bus is completely stopped and the door is opened.
  - Watch your step and use the hand-rail.
  - After getting off the bus, move away from the bus.
  - If you must cross the street, always cross 10 feet in front of the bus. Look both ways and watch for the driver's signal to cross.
  - Never cross behind the bus.
  - If you drop any paper or other items near the bus, wait for the bus to leave before you pick it up.
  - Get to the bus stop 5 minutes before your scheduled pick up time; the bus driver will not

- wait for late students.
- Respect the property of others while waiting at your bus stop.
  - Keep your arms, legs and belongings to yourself.
  - Use appropriate language.
  - Stay away from the street, road or highway when waiting for the bus. Wait until the bus stops before approaching the bus.
  - After getting off the bus, move away from the bus.
  - If you must cross the street, always cross at least 10 feet in front of the bus where the bus driver can see you. Wait for the driver to signal to you before crossing the street.
  - No fighting, harassment, intimidation or horseplay.
  - No use of alcohol, tobacco, or drugs. The use of alcohol, tobacco, or drugs of any kind will be subject to immediate bus riding suspension.

**Parent/Guardian Responsibilities for Transportation Safety:**

- If a child is riding a different bus at night, he/she must have a note or a phone call from parents and receive approval from the office. PLEASE CALL BEFORE 2:00 regarding a bus change. Under no conditions will we transfer a student without parent permission. Become familiar with district rules, policies, regulations and principles of school bus safety.
- Assist students in understanding safety rules and encourage them to abide by them.
- Recognize their responsibilities for the actions of their students.
- Support safe riding practices and reasonable discipline efforts.
- When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
- Support procedures for emergency evacuation, and procedures in emergencies as set up by the school district.
- Respect the rights and privileges of others.
- Communicate safety concerns to school administrators.
- Monitor bus stops, if possible.
- Support all efforts to improve school bus safety.

**Parent and Guardian Notification:**

- A copy of the school district school bus and bus stop rules are made available through our parent/student handbook. They can be found on our school website or requested at anytime.  
***The complete Student Transportation Policies 707, 708, 709, 710 & 711 are available in the elementary office or online.***

### ELEMENTARY PHONE USE BY STUDENTS

- School phones are to be used by students for emergencies only. The phone is not to be used for any other reasons (forgotten notes, books, assignments, permission to visit friends after school, etc.). Students will not be called out of class except in cases of emergency.

### CELL PHONES

- Cellular phones and personal listening devices may not be used by students during the school day (8:00am-3:10pm). If brought to school, they are to be kept in a locked locker or the office during the school day. These devices are disruptive in school and very prone to theft. Items that are used during school hours may be confiscated.
- All students will be warned at 5/6 open house about our cell phone policy, so the first offense their phone will be confiscated and parents will be required to come to the school and get the phone from the principal. Further offenses will be handled with consequences such as detention and up to an in-school suspension. Parents will be contacted and items will be held for parents to pick up in the office.
- **Parents and students should NOT call or text each other on their cellphone during the school day. If parents need to get a hold of their student, they should call the district office at 587-4447.**

### SCHOOL USE OF STUDENT PHOTOGRAPHS

- The school may use photographs of school events, classrooms, games and activities from time to time. These photographs may be published internally or on school-related social media outlets (Facebook, Instagram, Twitter, etc.). **Parents of currently enrolled and newly enrolled students will be given a form annually to “opt out” of having any photographs of their student taken or posted. A parent/guardian can also contact the classroom teacher or school directly if there is a change in their decision at any time. ~~If a parent does not want their student’s photograph used for school purposes, please call the Elementary office at 587-4447 and request a form.~~**

### INCOMING CALLS FROM PARENTS TO STUDENTS

- Notes and messages will be taken unless there is an emergency. You may leave a voicemail for teachers to contact you. If a message regards such things as different evening travel plans for a student, the classroom teacher and student will be informed from the main office. PLEASE CALL BEFORE 2:00 p.m.

### AFTER SCHOOL ACTIVITIES

- If your child will be participating in any after school activity, a note or phone call from a parent should be given to the office. Please call the office no later than 2:00! If we do not hear from you by 2:00, the student will be directed to leave school as usual.

### LEGAL NAMES

- All records and official documents will use the child’s legal name. The school district will not take responsibility for the child using another name.

### STUDENT DRESS AND APPEARANCE

- It is the policy of this school district to encourage students to be dressed appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the student’s parent(s) or guardian(s).
- **Appropriate** clothing includes, but is not limited to, the following:
  - Clothing appropriate for the weather.

NOTE: Students go outside for recess unless the temperature is below zero or the wind chill is -10 degrees.

\*Boots should always be worn on wet or cold days.

- Clothing that does not create a health or safety hazard.
- Clothing appropriate for the activity. All students are required to wear clean, dry tennis shoes for physical education.
  
- **Inappropriate** clothing includes, but is not limited to, the following:
  - Short shorts, tank tops, tops that expose the midriff or under garments, and other clothing that is not in keeping with community standards.
  - Clothing bearing a message that is lewd, vulgar, or obscene.
  - Apparel promoting products or activities that are illegal for use by minors.
  - Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances or provokes any form of religious, racial or sexual harassment and/or violence against other individuals.
  - Any apparel or footwear that would damage school property.
  - Hats are not allowed in the building except with the approval of the building principal.
  - Students wearing clothing or apparel that causes a material and/or substantial disruption to our school day will be asked to change or cover up.

*The complete Student Dress & Appearance Policy 504 is available in the elementary office or online.*

#### **LOST AND FOUND**

- Check in the office to find the location of the lost and found area. Items not collected by owner are cleared quarterly and donated to the Pine River-Backus Family Center. **Please label all clothing with your child's name.**

#### **PROGRESS REPORTS**

- Progress reports will be issued at the end of each quarter. A teacher may send home other progress reports as needed throughout the year.

#### **EMERGENCY DRILLS**

- The Elementary School will perform 5 lock down, 5 fire, and 1 tornado drill each year. Emergency drills will be conducted periodically so that every person in the building knows the procedure to be followed in the event of an emergency.
- **Students and staff are trained annually in crisis management and response strategies.**

#### **LIBRARY MEDIA CENTER**

- The Media Center is open from 8:00 a.m. to 3:00 p.m., Monday through Friday, for student and faculty use.
- We have book return, book check-out, and a story and/or library skills class time. Students needing extra time may come to the library throughout the week with a pass. Books are checked out on a weekly basis with the exception of certain research books that are to be checked out for 24 hours at a time.
- Books left at home? We ask the students to refrain from checking out more books until those are returned or paid for. Your money will be returned if a lost book is returned in good condition within one year. Payment is expected for books that are damaged beyond repair (i.e.: severely ripped, dog chewed, or colored in). Please notify us if books are written in, ripped, or mutilated.

- Are you moving? You need to return all library materials.
- If a student loses a library book, he/she will be responsible for paying a book fine fee. At the end of the school year, students that have outstanding fines or books that have not been returned, may not be eligible to participate in our Track & Field Day.

### **LUNCH POLICY**

- ~~The Pine River-Backus Schools participate in the National School Breakfast and Lunch program. **Breakfast is free for all students in Grades K-12.** The current lunch cost is \$1.65 for students in grades K-12. Every family will be required to complete an application for benefits to be a part of this program. If your student brings a cold lunch, milk may be purchased for \$.40~~
- ~~Pine River-Backus Schools utilize a computerized system to record student and staff meal payments and purchases. Staff and students will be required to **PREPAY** for extra lunch items/entrees or extra milk. The cost for an extra student entree is \$1.00 and the cost for extra milk is .30. A positive balance must be established in your account to allow participation in the school meal programs. All accounts will be set up as individual accounts. Payments may be made online, via mail, or in the Commons area from 8:00 to 8:30 a.m. Students are notified daily in the lunch line if their balance is getting low. **Students receiving free/reduced meals must be aware that any extra milk or extra entree will be charged to their account.**~~
- ~~All students in grades K-12 are issued a personal ID#. When a student receives a meal, extra milk, or extra entree, the student presses in his/her ID#, and the price of the meal and/or extra item is deducted from his/her account.~~
- ~~Applications for free/reduced priced meals are available in all school or food service offices. At anytime during the school year, if you believe you may qualify for one of these programs, please contact the office for an application.~~
- ~~Families are covered under last year's application for free or reduced price meals until October 1st. After October 1st, if a current application is not received, the family will go to full price meals. Applications will be mailed to every family prior to the first day of school. If you have any questions, please call Jill Blanchard at 587-2865.~~

## LUNCH PROCEDURE

- Pine River Backus Public Schools participates in the National Lunch Program, School Breakfast Program and Kindergarten Milk Program in addition to other child nutrition programs. School Lunches and School Breakfasts are Free to all Students grades K-12. Every family will be required to complete an application for benefits.
- Pine River Backus Schools utilize a computerized system to record student and staff meal payments and purchases. Staff will be required to PREPAY for Meals and Entree, Milk Purchases. Students will need to PREPAY for milk purchases and any extras. The cost of a Milk is .40 and the cost of an extra entree is 1.25. All accounts will be set up as individual accounts. Payments may be made online, via mail or in the food service office. Students will be notified daily if their balance is getting low. Email and Phone notification will go out.
- All Students in grades K-12 are issued a personal ID#. When a student receives a meal, extra milk, or extra entree, the student presses in his/her ID# and the meal is recorded and the extra items are deducted from his/her account.
- Applications for meal qualification are available online, and in all school offices and food service offices. They may be filled out at any time.
- Applications will be mailed to every family prior to the first day of school. If you have any questions please contact Jill Blanchard at 587-2865.

## ELEMENTARY NEWSLETTER

- Elementary Newsletters and a calendar is sent home with elementary students each month. It is also posted on our website. The newsletter will provide pertinent information including upcoming events and reminders from the office. If you have questions about current or future happenings, please feel free to call the office at 587-4447.

## BIRTHDAYS

- Birthdays are a special time for elementary children. In school: Please check in advance with your child's teacher if you wish to bring treats for your child's birthday. The treats must be purchased in a store or bakery. Please try to consider wellness in providing treats for students. Treats should be brought to the office, and not directly to the classroom. Flowers and balloons are not allowed as it causes distraction in the classroom and also hurt feelings.
  - Parties at home: If you are having a party for your child at home, please mail the invitations or phone parents unless you are inviting the entire class. Sometimes we have hurt feelings if invitations are passed out in school and some children are excluded.

## SCHOOL CLOSING

- An "all call" alert will be sent out to families when weather prevents school from being held, when we start later than normal, or when we have to dismiss early. We will call you via our School Connects system and also announce on radio and TV from the following stations:

### Radio Stations

WJJY Brainerd (106.7)

KTIG Pequot Lakes (102.7)

KLKS Breezy Point (104.3)

### TV Stations

KCCO (TV 7/12) Alexandria ([www.wcco.com](http://www.wcco.com))

KSTP (TV 5/16) Minneapolis ([www.kstp.com](http://www.kstp.com))

KARE (TV11/14) Minneapolis ([www.kare11.com](http://www.kare11.com))

Always listen to one of the above when:

- 1) Heavy snow occurs overnight.
- 2) Rain occurs at freezing temperature.
- 3) School is in session, and a storm is approaching.

\*\* We sometimes dismiss early. Parents need to have a plan with arrangements for their children when school is dismissed early due to unexpected weather conditions or school emergencies.

### RECESS

- All students go outside for recess unless the temperature is below zero or the wind chill is colder than -10 degrees. EXCEPTIONS would include either a doctor's note or the school nurse's/building principal's determination.

### RELIGIOUS RELEASE TIME

- ~~Parents have the option to send their children to religious instruction. A letter will be sent home in the fall for students to sign up. If you choose to have your child stop attending, please contact the church prior to informing the school. Release time student concerns should be handled between the home and the church. Please try to make a full term commitment to release time if you enroll your child.~~

### ENROLLMENT

- When a student registers for school during the school year, they can complete an online enrollment form. Families can do that by going to our website or coming into the office for assistance. The school will make the determination as to when the student may start. The parent/guardian must provide the district with the required immunization record, birth certificate and transfer information.

### OPEN ENROLLMENT

- Students not residing in the Pine River-Backus School District, who wish to attend one of our schools, must fill out an Application for Open Enrollment form available in the office of either district and also on the MDE website.

*The complete Enrollment of Nonresident Students Policy 509 is available in the elementary office or online.*

### WITHDRAWAL

- If you are moving from the school district, please notify the principal and the classroom teacher. Leave information as to where you are moving, so that school records may be transferred at the earliest possible time. Records will be transferred by our school once we receive notification of enrollment from your new school.

### TEACHER REQUESTS

- The Pine River-Backus School District uses a data-driven decision-making model. Our staff study a variety of data in order to ensure your child's academic success each year. Students are placed into balanced classrooms based on academic, behavior, and social/emotional needs. Parent requests are not taken by the Elementary Office. If you wish to discuss your child's placement, please set up an appointment with the elementary principal. You will receive notice of your child's homeroom teacher in a mailing to be sent out before the beginning of the school year.

### VISITOR INFORMATION

#### SAFETY

- All visitors must report to the office to check in. ~~Name tags will be issued.~~ A visitors badge will be issued. Anyone wishing to enter the building once school has started must use the Visitor Entrance (Door #33). All other doors will be locked during the school day to ensure the safety of our students.

### VISITING SCHOOL

- PARENTS: Parents are welcome to visit school. Visits to your child's classroom **MUST** be pre arranged with the office and the classroom teacher. Adult visitors are asked not to interact with the students unless the teacher asks. If you are interested in volunteering, please let our office staff know. We would like all visitors volunteering to first report to the office so that we may assist and call the teacher. You must sign in and wear identification. **Do not go directly to the classroom. The office will assist you.** This is also for the safety of our students. Please sign out upon leaving the building.
- STUDENT GUEST: A guest is only allowed to visit during the lunch and recess period. We prefer not to have guests during the first and last week of school. Emergency phone numbers should be left in the office. Permission should be acquired from the building principal the day before the visit.
- Parent volunteers will be denied if the purpose is to “watch your child” to see how they are behaving or to see how other kids are treating your child. This is for confidentiality reasons and no exceptions will be made.

### VISITOR PARKING

- Visitor parking is available in the lot outside the visitor entrance (Door #33). Please do not park in bus loading zones or no parking zones.

*The complete Visitors to School District Buildings and Sites Policy 903 is available in the elementary office or online.*

### PINE RIVER-BACKUS VOLUNTEER PROGRAM

- Volunteers provide opportunities that enhance the educational experience for students while supporting our teachers and staff. Our motto is: VOLUNTEERS MAKE A DIFFERENCE.
- We encourage and welcome volunteers to our school. Whether you are a parent, guardian, grandparent, relative or a friend, your time spent at Pine River-Backus as a volunteer is an important contribution to a child's educational experience.
- To further explain the volunteer program, Volunteer Handbooks are available at the school. If you would like to be a part of the Pine River-Backus Volunteer Team, and/or receive a Volunteer Handbook, please contact Elementary Principal Rick Aulie by calling 587-8309 or emailing [raulie@prbschools.org](mailto:raulie@prbschools.org). The staff and students at Pine River-Backus invite you to become active and involved with our volunteer program. We look forward to meeting each and every one of you!
- Parent volunteers will be denied a request to volunteer if the purpose of volunteering is to “watch your child” to see how they are behaving or to see how other kids are interacting with your child. This is for confidentiality reasons and no exceptions will be made.

### CLASSROOM PETS/VISITORS

- It is important to keep the conditions and building free from plants and animals that are likely to cause allergies or other illnesses to students who are sensitive to those kinds of allergies. Therefore, we do not have pets in the classroom. We also do not allow students to bring pets in as a part of a sharing activity for safety reasons. If you have a special request or circumstance that you would like considered, contact the building principal.

## **DRUG PREVENTION**

- The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription and is prohibited in the school setting in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- It shall be a violation of this policy for any student, teacher, administrator, other school district personnel, or member of the public to use alcohol, toxic substances, or controlled substances in any school location.
- The Public
  - A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Statute 121.5.40 subdivision 10, and proposed for expulsion.

Searches by school district officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with Pine River-Backus School Board policies related to search and seizure.

*The complete Chemical Use and Abuse Policy 417 and Drug-Free School Policy 418 are available in the elementary office or online.*

## **GENERAL RULES AND PROCEDURES**

### **GENERAL RULES**

\*School personnel have authority over all students, at all times, in all areas of the school. Students are under the supervision of all school representatives, not only their classroom teacher.

\*Respect authority and the rights and property of others.

\*Pass through the corridors in a quiet and orderly manner.

\*No gum chewing allowed in school.

\*Personal items, such as toys, cell phones, iPods, MP3 players, portable Play Stations (PSP), skate boards and balls, should be left at home to prevent loss or injury.

\*Weapons of any kind are not allowed. (Toy weapons included.)

\*Students riding bicycles to school are reminded to follow bicycle safety rules when on community streets. As an added safety precaution, we ask that all persons with bicycles walk them on and off the

school grounds.

\*Elementary students are not permitted to use vending machines in the Commons between 8:00-3:15.

\*The cooperation of the entire student body is asked in caring for the school building and school property. The defacing of school property will not be tolerated. Students defacing or destroying school property will be reprimanded and are expected to repair or pay for damages.

## **Pine River-Backus Elementary School Behavior Expectations and Discipline Procedure**

The goal of the elementary school behavioral procedure is to allow all students to learn in a safe environment that promotes respect of self and others. This procedure will improve consistency in dealing with behavioral concerns. Students are responsible for making good choices. Classroom teachers will use their positive behavior management plans to handle mild infractions that do not substantially disrupt the learning of others or create a safety issue for students. School administration will be called to intervene for major violations such as harming or injuring themselves or others, if it is a case of verbal, physical, or sexual harassment, or it is a persistent problem. Interventions and consequences will be determined based on the nature and severity of the infraction. The goal is for students to learn from the choices they make and to practice positive character traits, such as truthfulness, compassion, responsibility, forgiveness, etc.

All students shall follow our ROAR Expectations:

- Be Responsible for self and belongings.
- Be On-Task at all times and in all areas. Respect the education process through the display of appropriate language, attitude, and physical behavior.
- Be Safe at all times!
- Respect and honor the rights of other students to learn in an environment free of intimidation or harassment.

Take care of yourself:

- Maintain satisfactory attendance and report to school on time.
- Comply with dress code.
- Be on time.
- Have necessary materials.
- Be confident.
- Be truthful.
- Follow directions promptly.
- Complete assigned work on time.
- Stay on task.
- Be responsible for your own behavior.
- Listen to the adult in charge. Follow directions without complaining.
- Ask for help, when necessary.
- Keep your hands to yourself.
- Stay in assigned area or get permission to leave.
- Leave toys and valuables at home.
- Stay within playground boundaries. Line up promptly when the whistle blows.

Take care of each other:

- Be respectful by not using put-downs, touching, pushing, etc.
- Use appropriate voices.
- Allow others to remain on task.
- Listen when someone is speaking to you. Look at them and pay attention to what is being said.
- Smile and be friendly. Show kindness and consideration to everyone.
- Help others.
- Walk in an orderly manner. Speak softly in hallways so other classrooms are not being disturbed.
- Include others at all times.
- Respect the opinion and point of view of others.
- Understand when mistakes are made.
- Know your own space.
- Get adult help when needed.
- Display courtesy.
- Pay attention at performances. Express appreciation by clapping. Yelling, whistling, and booing are not tolerated. Remain seated until dismissed by the teacher.

Take care of the school:

- Put paper in the recycle bins.
- Keep your work area clean.
- Pick up paper and trash even if it isn't yours.
- Keep books, bags, etc., under chairs.
- Take good care of textbooks.
- Carry physical education equipment in hallway.
- Return outside equipment to its proper place after using it. (K-3 use plastic bats; 4-6 may use aluminum.)
- Slide down all slides feet first and bottom down and go around to the back of the line when done.
- Swing with bottom on swing-set chair and swing back and forth. Keep swing chains at standard length.
- Open and close doors as quietly as possible.
- Clean up table and dispose of uneaten food. Practice good table manners.
- Leave sand, rocks, snow, etc. on the ground and keep hands off trees.

### *Interventions/Consequences*

- Consequences may be shared verbally, in writing, or both. The goal is for students to make natural or logical connections between their mistakes and the corrective actions and to learn from the choices they have made.
- Mild behavior issues will be handled by the supervising staff by using conflict resolution, class meeting, brief discussion, or other appropriate method for solving the problem.
- Moderate and severe behaviors will be documented on the student's discipline record. Mild behavioral issues may be recorded if these behaviors are chronic and an intervention is appropriate.
- Positive, caring behaviors will be reinforced and recognized through a variety of ways, such as verbal praise, buttons, stickers, certificates and announcements, phone calls, extra free time, lunch with adult of choice, etc.

We believe:

- Behavior can be changed, can be taught, and must be modeled.
- Behavior is non-negotiable in instances of safety and security.
- Behavior has consequences.

We believe:

- Consequences should be fair and not always equal.
- Consequences teach about behavior.
- Consequences should not be punishments.

It is important that you, as a parent, are aware of our discipline plan and that you support us in this endeavor to maintain a positive learning environment at Pine River-Backus Elementary School. Please discuss the expectations that are listed above with your child and keep it on file for future reference. It is the responsibility of all adults to help children feel safe in school and to provide an environment that will allow students to learn and teachers to teach. We are proud to be PRB, a kind and caring community!

*The complete Student Discipline Policy 506 is available in the elementary office or on our school website.*

### **BULLYING**

- Bullying is a form of interpersonal aggression that may include behaviors such as teasing, hazing, sexual harassment, and physical bullying. There is an imbalance of power between the individuals. The consequences experienced by the victim and bystanders are far-reaching and potentially lethal.
- A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.
- Bullying contains several key elements that include:
  - **An Imbalance of Power** - The imbalance can be physical, psychological, or intellectual and hinders the victim from defending him/herself.
  - **Repeated Actions** - The negative actions usually occur repetitively over a period of time.
  - **Intentional Actions** - Bullies purposefully choose actions that will hurt or intimidate the targeted victim. Bullies seldom show empathy or concern for the victim.
  - **Unequal Levels of Affect** - The victim will typically display a high level of emotional distress including yelling, crying, withdrawal, or anxiousness. The bully, however, will demonstrate very little emotion or anguish. The person doing the bullying is likely to blame the victim for causing the aggressive act or believe he/she deserved it. Bullies commonly feel justified in their actions.

Bullying behavior can include any or all of the following forms of abuse:

1. **Physical aggression:** includes destroying property, threatening
2. **Social Aggression:** spreading rumors, racial slurs, exclusion from group
3. **Verbal aggression:** name calling, teasing, threatening, intimidating phone calls
4. **Intimidation:** graffiti, a dirty trick, taking possessions, coercion
5. **Written aggression:** slam books, note passing, graffiti
6. **Sexual harassment:** Any comments or actions of a sexual nature which are unwelcome and make the recipient uncomfortable.

- 7. Racial and cultural (ethnic) harassment:** Any comments or actions containing racial or ethnic content (direct or indirect) which are unwelcome and make the recipient uncomfortable.
- 8. Cyber Bullying:** bullying through email, instant messaging, chat room exchanges, Website posts, or digital messages or images (texting) sent to a cell phone or personal digital assistant (PDA.)
- HARASSMENT AND BULLYING BEHAVIOR WILL **NOT** BE TOLERATED.

## School Procedure Regarding Bullying

### Mission Statement

**“To create a positive and safe environment for students and staff.”**

1. All staff members will enforce “no-bullying rules”. (administration, teachers, paraprofessionals, bus drivers, secretaries, custodians, food service, counselors, etc.)
2. Students will help others by speaking out and getting adult help.
3. Students will use extra effort to include everyone.

### *The Definition of Bullying*

- A. “Bullying” means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
  - an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
  - materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
  - The term, “bullying,” specifically includes cyberbullying as defined in this policy. Targeting a child for repetitive negative actions.

### The Serious Nature of Bullying

- Children being bullied **need and deserve adult intervention and help.**
- Problem is too serious for them to solve alone.
- Without intervention, the **problem will not go away.**
- Bullies will keep bullying unless adults do something about it.

Pine River-Backus Schools practice a progressive discipline model. Consequences and behavior interventions will be determined by the child’s age and staff/administration. **Bullying of any kind will not be permitted. Reports of bullying will be investigated according to building procedure.**

### How to Help: Prevention Steps to Bully-Proof Your Child

- Let the school know your safety worries immediately.
- Keep a record of time, date, names and circumstances to show a pattern of harassment.
- Teach your child self-respect—confident kids are less likely to become a victim.
- Let your child know it is O.K. to express anger if done appropriately.
- Encourage friendships—there is strength in numbers.
- Arrange weekend play dates to promote friendships.
- Build social skills early.

- Help shy kids with social skills training—role-play together situations that have occurred previously.
- Explain the difference between telling and tattling. Tattling is when you report something just to get someone in trouble. Telling is when you report that you or someone else is in danger. Verbal abuse and being excluded are dangers, too.
- Stress the importance of body language—a “victim stance” may attract bullies.
- Teach your child effective skills for making friends such as how to share, compromise, apologize, use “I” statements, change the topic to avoid conflict, and use a “diplomatic” approach.
- Teach your child alternative responses—**CALM (Cool down, Assert Yourself, Look Them In The Eyes, Mean It!)**
- Don’t advise either completely ignoring or physically attacking the bully.
- Never coach to “hit back” or “get even”. It does hurt. If we encourage it, it will escalate. When victims feel defeated, there is an increased risk of them taking a weapon, which is certainly not a position for your child to ever be in.

#### **How to inform the school of a bullying situation:**

- Report to the classroom supervisor closest to the situation.
- Request meeting with principal/teachers.
- Request meeting or phone call to the Youth and Family Services Worker.

#### **How parents will be informed of a bullying situation:**

- The school behavior procedure will be followed.
- Plan for **Referring Student for Victim Intervention** in moderate or severe situations:
  - Parent will be contacted by staff involved in resolving the situation.
  - Parent accepts or refuses permission for child to participate in appropriate intervention services.
- Plan for **Referring Student for Bully Intervention:**
  - Parent will be contacted through school behavior procedure.
  - Parent accepts or refuses permission for child to participate in appropriate intervention services.

#### Criminal Conduct

In cases involving criminal conduct (for example; assault, weapons, possession, or vandalism), the superintendent and local law enforcement officials will be informed.

#### PEACEFUL PLAYGROUND RULES

- Be respectful by not using put-downs, touching, pushing, etc.
- Use appropriate language, keep your hands and feet to yourself.
- Harassment/Exclusion games are not allowed.
- No toys.
- No food, candy, gum or beverages.
- No spitting.
- Sand, rocks, snow, pine cones, etc. should not be thrown.
- Stay off of the trees.
- Stay within playground boundaries.
- Do not stand or sit on top of playground equipment.

- Return playground equipment to the proper storage area.
- Follow the rules of the game you are playing.
- Use “rock-paper-scissors” to resolve questionable play.
- Include others in your game.
- Slide rules—sit on your bottom going down, once down, go around.
- Swing rules—sit on your bottom and swing back and forth.
- Sidewalk chalk—only for primary students.
- Get adult help when needed.
- Playground supervisors have the right to use their judgment regarding harmful and inappropriate activities.

*The complete Bullying Prohibition Policy 514 is available in the elementary office or online.*

## NON-DISCRIMINATORY PROCEDURES

### Harassment and Violence

- The purpose of this policy is to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. Pine River-Backus School District 2174 prohibits any form of religious, racial or sexual harassment and violence.
- It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school district to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)
- A harasser may be a student or an adult. Harassment may include the following when related to religion, race, sex or gender:
  - a. name calling, jokes or rumors;
  - b. pulling on clothing;
  - c. graffiti;
  - d. notes or cartoons;
  - e. unwelcome touching of a person or clothing;
  - f. offensive or graphic posters or book covers; or
  - g. any words or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.

If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the human rights officer, the Superintendent of Schools. You may also make a written report. It should be given to a teacher, counselor, the principal or the human rights officer. Your right to privacy will be respected as much as possible.

We take seriously all reports of religious, racial or sexual harassment or violence and will take all appropriate actions based on your report. The Pine River-Backus School District will also take action if anyone tries to intimidate or harm you because you have reported.

*The complete Harassment & Violence Policy 413 is available in the elementary office or online.*

**RELIGIOUS, RACIAL AND SEXUAL HARASSMENT AND VIOLENCE ARE AGAINST THE LAW. DISCRIMINATION IS AGAINST THE LAW.**

**CONTACT: SUPERINTENDENT OF SCHOOLS**  
**NON DISCRIMINATION OF STUDENTS WITH DISABILITIES**

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

For this policy, a learner who is protected under Section 504 is one who:

1. Has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
2. Has a record of such impairment; or
3. Is regarded as having such impairment.

HUMAN RIGHTS OFFICER  
Pine River-Backus Schools #2174  
980 First Street N  
PO Box 610  
Pine River, MN 56474  
Phone: 218-587-4720

*Harassment and Violence Report Form is on the next page.*

**INDEPENDENT SCHOOL DISTRICT NO. 2174  
HARASSMENT AND VIOLENCE REPORT FORM**

General Statement of Policy Prohibiting Harassment or Violence

Independent School District No. 2174 maintains a firm policy prohibiting all forms of discrimination, harassment and violence. Religious, racial, or sexual harassment or violence against students or employees is discrimination. All persons are to be treated with respect and dignity. Sexual violence, sexual advances or other forms of religious, racial, or sexual harassment by any pupil, teacher, administrator, or other personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant \_\_\_\_\_  
Home Address \_\_\_\_\_  
Work Address \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Date of Alleged Incident(s) \_\_\_\_\_

Circle as appropriate: sexual / racial / religious / harassment

Name of person you believe harassed or was violent toward you or another person.

\_\_\_\_\_

If the alleged harassment or violence was toward another person, identify that person.

\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.)

\_\_\_\_\_  
\_\_\_\_\_

Where and when did the incident(s) occur?

\_\_\_\_\_  
\_\_\_\_\_

List any witnesses who were present

\_\_\_\_\_  
\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_ was harassed. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

\_\_\_\_\_  
(Complainant Signature)

\_\_\_\_\_  
(Date)

Received by \_\_\_\_\_

\_\_\_\_\_  
(Date)

Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

Persons who have questions, comments, or complaints should contact the building principal at 587-4447 regarding grievances or hearing requests regarding disability issues.

#### DISCIPLINE OF DISABLED STUDENTS

Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy provided that their misbehavior is not a manifestation of the student's disability, unless an educational program has specified a necessary modification.

When a disabled student is removed from class, the building's special needs committee will review the educational plan and current assessment data. The committee will determine if the placement was appropriate and recommend, if necessary, other methods of dealing with the behavior. The committee may also make exceptions as necessary and appropriate based on the disabling conditions of the student involved. Such exceptions may be reflected in the student's educational plan.

For students with IEP'S, a team meeting is required within five (5) school days of a suspension or prior to an expulsion or exclusion. If a student is placed on in-school suspension status according to school district policy established for all students, for all or part of the day for two (2) or more consecutive days or three (3) times in one (1) month, a team meeting must be held. A student disabled under Section 504 but not under IDEA shall be entitled to such a meeting only pending expulsion, exclusion, or suspension over ten (10) days. The team shall (a) determine whether the misconduct is related to the disability; (b) review any assessments and determine the need for further assessment; and (c) review the adequacy of the current IEP and amend the goals and objectives or develop an alternative IEP program as appropriate. If it is determined that a student's misconduct is related to the student's disability, the student may not be expelled or excluded, and an alternative program shall be sought.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The school district shall initiate a review of the student's IEP and conduct a review of the relationship between the disability and the behavior subject to disciplinary action and determine the appropriateness of the student's education plan before commencing an expulsion or exclusion.

***The complete Disability Nondiscrimination Policy 402 and Student Disability Nondiscrimination Policy 521 are available in the elementary office or online.***

## SCHOOL WEAPON

- No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in a school location. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.
- Weapons are defined as any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; air-guns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; num-chucks; throwing stars; explosives; fireworks; mace and other propellants; stun-guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
- No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
- No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.
- School Location: A school location includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school contracted vehicles, the area of entrance or departure from school premises or events, all locations where school related functions are conducted, and anywhere students are under the jurisdiction of the school district.
- The Public: Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.

*The complete Weapons Policy 501 is available in the elementary office or online.*

# HEALTH INFORMATION

## INSURANCE

- The school district does not carry any type of health or accident insurance for injuries incurred by your child at school. You may purchase a Student Accident Insurance plan that would be a supplement to your existing insurance, or in the event you have no insurance, this plan will provide benefits for medical expenses incurred because of a student accident at school. A letter of explanation and insurance forms will be sent home the first week of school.

## STUDENT MEDICATION

- Pine River-Backus Schools wish to ensure the health, safety, and well-being of all students. The purpose of this policy is to set forth the provisions that must be followed when administering non-emergency prescription medication to students at school.
- The school district acknowledges that some students may require prescribed drugs or medication during the school day. The school district's licensed school nurse, trained health clerk, principal, or teacher will administer prescribed medications in accordance with law and school district procedures.

## REQUIREMENTS

1. A completed signed request from the student's parent/guardian.
2. An *Administering Prescription Medications* form completed yearly.
3. The prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with the law and must be administered in a manner consistent with the instructions on the label.
4. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
5. Prescription medications are not to be carried by the student, but will be left with the appropriate school district personnel.
6. The school must be notified by the parent, in writing, of any change in the student's prescription medication administration.

The school shall provide the following:

1. School nurse or designated personnel to dispense medications.
2. Record sheet for each child:
  - a. Name of medication.
  - b. Dosage and time to be dispensed.
  - c. Date and time dispensed.
3. Secure medication storage facility in the nurse's office.

NOTE: Procedures for the administration of drugs and medicine at school and school activities shall be developed in consultation with the school nurse.

## NON-PRESCRIPTION AND/OR SHORT TERM MEDICATION DISPERSAL

The **parent/guardian** shall provide the school with the following information:

1. Child's name.
2. Medication to be given.
3. Parent/guardian signature and date.
4. Medication in original bottle.

The **school** shall provide the following records including:

1. Student's name.

2. Medication/dosage given.
3. Time/date/dispensed.

If, during the course of a school day, a child should develop a headache, for example, the child's parents may be contacted. If the parent determines that the child would benefit from taking Tylenol, the parent must provide the medication. No over-the-counter medications will be provided by the school district.

*The complete Student Medication Policy 516 is available in the elementary office or online.*

### **PINE RIVER-BACKUS SCHOOLS HEAD LICE PROCEDURE**

Pine River-Backus Schools will require parents to remove their children from school when head lice or untreated nits are found. The parents or guardians must then aggressively deal with this infestation to minimize the time lost from the child's classroom. Protecting others from head lice is essential.

1. When head lice and/or untreated nits are found, parents or guardians will be contacted immediately. When live lice are present, the student will be removed from school with an informational letter describing what is expected for the child's return to school.
2. After treatment, the student should return to school accompanied by the parent when possible. The school nurse or a designee, with the parent present when possible, will then do a head check before the student can re-enter the classroom.
3. The student will be checked periodically throughout the following days to assure that he/she is free of head lice and/or untreated nits. The Minnesota Department of Health strongly recommends that parents check their children's heads for lice and nits on a regular basis.
4. If the student is re-infested, the parent/guardian will be directed to follow the same treatment procedure described in the informational letter. The parent/guardian must contact the school when the student is ready to return to school and again accompany the student upon his/her return if possible. The student will be rechecked by the nurse/designee with the parent when possible.
5. Should the situation warrant, District personnel will report cases of neglect to county authorities as required by law.
6. Up to two student absences related to head lice infestation will be excused absences. The administration, with guidance from classroom teachers, will develop student learning plans for students missing more than one day of school.

### **STUDENT EMERGENCY INFORMATION**

- Every student should have up-to-date emergency information on file in the office. This information is necessary for our records and will be needed to contact you should an emergency occur. Please inform the school IMMEDIATELY if there are changes in this information during the school year. It is vitally important that we keep all information up-to-date.

### **REPORTING OF CHILD ABUSE/NEGLECT**

- Minnesota State Law requires all school employees to report cases of suspected abuse/neglect to the proper authorities. Pine River-Backus School complies with this law by contacting the appropriate social services agency and/or the local law enforcement agency that is responsible for

investigating the report. Minnesota State Law allows students to be interviewed by authorities at school without parent permission.

#### **COMPUTER AND INTERNET ACCEPTABLE USE POLICY FOR GRADES K-6**

- The Internet Acceptable Use & Safety Policy 524 is in effect in the Pine River-Backus Schools. This document/notice is also posted online on our school website. Teachers will review the contents of this document with students at the beginning of each school year in their homeroom. The school district has Internet protection software in place to limit access to undesirable Internet sites. This implementation of software/hardware does not take the place of the Acceptable Use Policy, but will attempt to help protect our students/staff from these undesirable sites.

#### **INFINITE CAMPUS**

- Infinite Campus is our online Student Information System. All parents have an account and can access student information such as grades, attendance, assignments, and lunch accounts by logging into the Infinite Campus system. Contact the office for login information if you do not already have it.

#### **RESPONSIVE CLASSROOM (RC)**

- Pine River-Backus Elementary School uses Responsive Classroom in each of our homerooms. The Responsive Classroom (RC) is an approach to teaching and learning that fosters safe, challenging, and joyful classrooms and schools, kindergarten through eighth grade. Developed by classroom teachers, it consists of practical strategies for bringing together social and academic learning throughout the school day. Since 1981, thousands of classroom teachers and hundreds of schools have used the Responsive Classroom approach to help create learning environments where children thrive academically, socially, and emotionally. In urban, rural, and suburban settings nationwide, educators using these strategies report increases in student investment, responsibility, and learning, and decreases in problem behaviors.

#### **MULTI-TIERED SYSTEM OF SUPPORTS (MTSS)**

- Pine River-Backus Elementary School uses a Multi-Tiered System of Supports to identify and support struggling students. MTSS is: implementing high-quality, scientifically validated instructional practices matched to learner needs, monitoring student progress using learning rate over time and level of performance, to make important educational decisions based on the student's response to instruction. The three components of a MTSS is:
  - A measurement system that allows for frequent monitoring of progress to inform decisions at each tier of service delivery.
  - Instruction that is evidence-based for both core and interventions.
  - A Problem Solving Process that relies on data to determine who needs interventions, when, how, and what interventions to be delivered.

#### **PINE RIVER-BACKUS BOOSTERS CLUB**

- The Pine River-Backus Booster Club is a parent/community group that supports student extra-curricular activities and academic enrichment. The goal is to support and enrich the opportunities for the students of our district. Funds raised have been used to help purchase team uniforms, theater supplies/equipment, upgrades for the athletic fields, and more. All persons within the school district, or who have students in the school district, are welcome to participate. Contact the office for more information.

### **PINE RIVER-BACKUS COMMUNITY EDUCATION**

- The community education program includes the elementary youth sports program along with regular offerings on a quarterly basis for classes that may be of interest to students. The fall bulletin comes out the last week of August, the winter bulletin comes out the first week of January, and the spring bulletin comes out the last week of March. There are some scholarship dollars available on an as needed basis for community education classes offered. Call 218-587-2080 for more information.

### **PRB PARENT-TEACHER ORGANIZATION (PTO)**

#### Our Mission:

The PRBE-PTO believes that education is a partnership between parents/guardians/caregivers, teachers and children. It also believes that when parents and teachers work together, children recognize that education is important. The purpose of the PTO is to maintain open communication between home and school, and to foster an on-going, close relationship between parents/guardians/caregivers, teachers and students in order that an enriched educational experience is provided to each child. PTO will also support the school through fellowship, programs and PTO fund raising projects.

#### Our Programs and Accomplishments:

- Help pay for preschool through grade 6 field trips.
- Host school breakfasts with family, caregivers, or friends.
- Fundraising is minimal and student focused. Our two primary fundraisers are Big Basket Chance and Move For Our School.
- Host our school and community's Family Fun Night (carnival).
- Encourage innovation and creativity in our school by providing specialized grants to teachers.

#### Our Meetings:

- The PTO meets monthly and provides free childcare.
- Membership is free.
- One of the best ways to enhance your child's education is to become actively involved in his or her school.
- Research shows that positive parent involvement in school is a major contributor to student success.
- Please contact the school to learn more about the PTO.

**Pine River – Backus Schools  
Network & Internet Policy**

Students are given opportunities to use school-issued technology devices as well as internet access. All students are governed by the rules and procedures outlined in our “Chromebook Procedures & Information Handbook Parent/Guardian & PRB Usage Agreement”. Click [here](#) to view that document or contact the elementary office if you need a hard copy.

This document provides basic information to help parents/guardians make informed decisions that benefit their children, schools and communities.

**Why statewide testing?**

Minnesota values its educational system and the professionalism of its educators. Minnesota educators created the academic standards which are rigorous and prepare our students for career and college.

The statewide assessments are how we as a state measure that curriculum and daily instruction in our schools are being aligned to the academics standards, ensuring all students are being provided an equitable education. Statewide assessment results are just one tool to monitor that we are providing our children with the education that will ensure a strong workforce and knowledgeable citizens.

**Why does participation matter?**

A statewide assessment is just one measure of your student’s achievement, but your student’s participation is important to understand how effectively the education at your student’s school is aligned to the academic standards.

- Students who do not participate will receive a score of "not proficient."
- Students who receive a college-ready score on the high school MCA are not required to take a remedial, noncredit course at a Minnesota State college or university in the corresponding subject area.
- Educators and policy makers use information from assessments to make decisions about resources and support provided.
- Parents and the general public use assessment information to compare schools and make decisions about where to purchase a home or to enroll their children.
- School performance results that are publicly released and used by families and communities, are negatively impacted if students do not participate in assessments.

**Academic Standards and Assessments**

**What are academic standards?**

The [Minnesota K–12 Academic Standards](#) are the statewide expectations for student academic achievement. They identify the knowledge and skills that all students must achieve in a content area and are organized by grade level. School districts determine how students will meet the standards by developing courses and curriculum aligned to the academic standards.

**What is the relationship between academic statewide assessments and the academic standards?**

The statewide assessments in mathematics, reading, and science are used to measure whether students, and their school and district, are meeting the academic standards. Statewide assessments are one measure of how well students are doing on the content that is part of their daily instruction. It is also a measure of how well schools and districts are doing in aligning their curriculum and teaching the standards.

<p><b>Minnesota Comprehensive Assessment (MCA) and Minnesota Test of Academic Skills (MTAS)</b></p> <ul style="list-style-type: none"> <li>• Based on the Minnesota Academic Standards; given annually in grades 3-8 and in high school in reading and mathematics; given annually in grades 5, 8 and in high school for science.</li> <li>• Majority of students take the MCA.</li> <li>• MTAS is an option for students with the most significant cognitive disabilities.</li> </ul>	<p><b>ACCESS and Alternate ACCESS for English Learners</b></p> <ul style="list-style-type: none"> <li>• Based on the WIDA English Language Development Standards.</li> <li>• Given annually to English learners in grades K–12 in reading, writing, listening and speaking.</li> <li>• Majority of English learners take ACCESS for ELLs.</li> <li>• Alternate ACCESS for ELLs is an option for English learners with the most significant cognitive disabilities.</li> </ul>
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### Why are these assessments effective?

Minnesota believes that in order to effectively measure what students are learning, testing needs to be more than answering multiple choice questions.

- To answer questions, students may need to type in answers, drag and drop images and words, or manipulate a graph or information.
- The reading and mathematics MCAs are adaptive, which means the answers a student provides determine the next questions the student will answer.
- The science MCA incorporates simulations, which require students to perform experiments in order to answer questions.

All of these provide students the opportunity to apply critical thinking needed for success in college and careers and show what they know and can do.

Because test content represents the academic standards as completely as possible, preparing for and taking the assessments uses the very same knowledge, processes and strategies included in the standards.

### Are there limits on local testing?

As stated in 120B.301, for students in grades 1-6, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 10 hours per school year. For students in grades 7-12, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school year.

In an effort to encourage transparency, the statute also requires a district or charter school, before the first day of each school year, to publish on its website a comprehensive calendar of standardized tests to be administered in the district or charter school during that school year. The calendar must provide the rationale for administering each assessment and indicate whether the assessment is a local option or required by state or federal law.

### What if I choose not to have my student participate?

Parents/guardians have a right to not have their student participate in state-required standardized assessments. Minnesota Statutes require the department to provide information about statewide assessments to parents/guardians and include a form to complete if they refuse to have their student participate. This form follows on the next page and includes an area to note the reason for the refusal to participate. Your student's district may require additional information.

A school or district may have additional consequences beyond those mentioned in this document for a student not participating in the state-required standardized assessments. There may also be consequences for not participating in assessments selected and administered at the local level. Please contact your school for more information regarding local decisions.

### When do students take the assessments?

Each school sets their testing schedule within the state testing window. Contact your student's school for information on specific testing days.

- The MCA and MTAS testing window begins in March and ends in May.
- The ACCESS and Alternate ACCESS for ELLs testing window begins at the end of January and ends in March.

### When do I receive my student's results?

Each summer, individual student reports are sent to school districts and are provided to families no later than fall conferences. The reports can be used to see your child's progress and help guide future instruction.

### How much time is spent on testing?

Statewide assessments are taken one time each year; the majority of students test online. On average, the amount of time spent taking statewide assessments is **less than 1 percent of instructional time** in a school year. The assessments are not timed and students can continue working as long as they need.

### Why does it seem like my student is taking more tests?

The statewide required tests are limited to those outlined in this document. Many districts make local decisions to administer additional tests that the state does not require. Contact your district for more information.

### Where do I get more information?

Students and families can find out more on our [Statewide Testing page](https://education.state.mn.us/Students%20and%20Families/Statewide%20Testing/) (education.state.mn.us > Students and Families > Statewide Testing).



Minnesota Statutes, section 120B.31, subdivision 4a, requires the commissioner to create and publish a form for parents and guardians to complete if they refuse to have their student participate in state-required standardized assessments. Your student's district may require additional information. School districts must post this form on the district website and include it in district student handbooks.

## Parent/Guardian Refusal for Student Participation in Statewide Assessments

To opt out of statewide assessments, the parent/guardian must complete this form and return it to the student's school.

To best support school district planning, please submit this form to the student's school no later than January 15 of the academic school year. For students who enroll after a statewide testing window begins, please submit the form within two weeks of enrollment. A new refusal form is required **each year** parents/guardians wish to opt the student out of statewide assessments.

Date \_\_\_\_\_ (This form is **only** applicable for the 20\_\_\_\_ to 20\_\_\_\_ school year.)

Student's Legal First Name \_\_\_\_\_ Student's Legal Middle Initial \_\_\_\_\_

Student's Legal Last Name \_\_\_\_\_ Student's Date of Birth \_\_\_\_\_

Student's District/School \_\_\_\_\_ Grade \_\_\_\_\_

**Please initial to indicate you have received and reviewed information about statewide testing.**

\_\_\_\_\_ I received information on statewide assessments and choose to opt my student out. MDE provides a *Parent/Guardian Guide to Statewide Testing* on the [MDE website](#) (Students and Families > Statewide Testing).

Reason for refusal:

Please indicate the statewide assessment(s) you are opting the student out of this school year:

\_\_\_\_\_ MCA/MTAS Reading                      \_\_\_\_\_ MCA/MTAS Science  
 \_\_\_\_\_ MCA/MTAS Mathematics            \_\_\_\_\_ ACCESS or Alternate ACCESS for ELLs

Contact your school or district for the form to opt out of local assessments.

**I understand that by signing this form, my student will receive a score of "not proficient" and he/she waives the opportunity to receive a college-ready score that could save time and money by not having to take remedial, noncredit courses at a Minnesota State college or university. My school and I may lose valuable information about how well my student is progressing academically. In addition, opting out may impact the school, district, and state's efforts to equitably distribute resources and support student learning.**

Parent/Guardian Name (print) \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_

To be completed by school or district staff only.                      Student ID or MARSS Number \_\_\_\_\_

# Pine River-Backus School District 2174 Local Literacy Plan

## Pine River, MN 56474

Updated spring 2023

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### **Introduction**

Pine River-Backus School District 2174 has developed the Local K-3 Literacy Plan to ensure that Pine River-Backus students will be reading well by the end of third grade. This plan was developed in collaboration with the Elementary Leadership Team, Title I teachers, and administration. This plan was originally created and approved by the Pine River-Backus School Board on June 18, 2012. The plan has been revised several times by the Elementary Leadership Team and approved again in July 2022 by the Pine River-Backus School Board.

### **Statement of goals or objectives defining how reading will be ensured for ALL students in ~~grades Kindergarten through grade three in each grade level.~~**

Pine River-Backus School District 2174 will ensure that all students are proficient readers by the end of third grade. Proficiency will be determined by the use of norm referenced screening and diagnostic data that is developmentally appropriate. We will disaggregate data from our district and MDE to monitor student progress, interpret this data, and make instructional decisions based on scientifically based reading research (SBRR). [This data, along with formative assessments will be reviewed in an ongoing process to evaluate our core literacy instruction and its effectiveness on ALL students and changes will be made as needed.](#)

### **Statement of processes to assess students' level of reading proficiency including assessments used, how proficiency is determined and when assessments are administered**

Progress monitoring is conducted bi-weekly with strategic and intensive level students using FastBridge fluency measures. Star testing is given 3 times a year for benchmarking [in grades 3-6](#) and additional times throughout the year as needed to gather information on student learning. We also use Formative Assessment System for Teachers (FAST) with our kindergarten-4th Grade students. All of the information collected is to make instructional decisions including monitoring if interventions are working.

In addition, if a student is not achieving at a rate to meet their goal after receiving Tier I and Tier II interventions for 6-8 weeks, a teacher may refer the student to our Multi Tiered Systems of Support (MTSS) team. This team analyzes the student's academic performance and makes suggestions on how to move forward.

Assessment	Assessment Type	Areas Assessed	Purpose for Assessment	Test Proctor	Grade Used	Schedule	Target Score/Cut Scores
TS Gold Assessment	Benchmark, Screening	Oral Language, Reading, Math	Instructional Decisions and development	Classroom Teacher	Pre-K	Fall, Spring	National Norm References
Formative Assessment System for Teachers "FAST" K-4.	Benchmarking, Screening, Diagnostic	Oral Language Development		Paraprofessional Interventionist Staff	K-4	Fall, Winter, Spring	National Norm References
Fountas and Pinnell Literacy Benchmark	Benchmark Diagnostic	Word decoding, Fluency, Comprehension	Zone of Proximal Development, Instructional Decisions	Classroom, Special Education and Title Teachers	1-4 K (spring)	Fall, Spring (winter non grade-level)	Norm Referenced
Benchmark Advanced (2-6)	Curriculum-Based, Weekly common formative assessments and common standardized summative assessment rubrics	Listening/Reading Comprehension; Phonics/Spelling; High-Frequency Words-use and recognition; Robust Vocabulary; Grammar, Writing to a Prompt; Oral Reading Fluency	Instructional Decisions	Teacher	2-6	ongoing	grade-level
FAST (K-4)	Benchmark, Screening, Diagnostic, Progress Monitoring	K- K- LN, LS, PS, OS, CP, NW, SW, OLF 1- LS, NW, PS, NW, SW, ORF 2-4 ORF	Early Literacy -Reading Fluency	Paraprofessional Interventionist Staff	K-4	Fall, Winter, Spring	National Norm References
STAR Reading and Math	Benchmark, Screening, Progress monitoring	Comprehension State Standard Mastery	Measure Growth. Instructional Decisions	Classroom, Special Education	2-6	Fall, Winter, Spring	National Norm Referenced
MCA Reading 3-6	Summative	State Standard Mastery	State Mandate / Instructional Decisions	Classroom and Special Education Teachers	Grade 3-6	Spring	State Criteria

*Assessment results will be shared with parents at the fall and winter parent/teacher conferences. MCA test results are also mailed home. Classroom teachers will continuously review assessment data and problem solve as needed for individual students. I. Parents can support literacy practices by utilizing parent group meetings, conferences, online resources, and take-home reading programs.*

## **Multi-Tiered System of Support/Aligned Curriculum and instruction:**

Pine River-Backus Elementary School uses a standards-based, teacher created, cross-curricular themed curriculum in grades K-1 along with ~~leveled library~~ a variety of literature and multiple online resources for our core instruction. We use Benchmark Advanced Literacy Curriculum for grades 2-6. We use a ~~Balanced Literacy framework~~ structured literacy framework in grades K-4 that incorporates whole group, small group, and independent practice opportunities for students. Our K-4 students receive 120 minutes of daily literacy instruction. Within this time, teachers ~~do guided reading and~~ differentiate instruction to meet the individual needs of our students, including focused writing instruction. We use the Marzano Instructional Framework for our delivery model. ~~There is an additional 30 minute Writer's Workshop block in some of our grades to support literacy development and Minnesota State Standards in writing. Other grades embed this into their literacy block.~~ Pine River-Backus embraces a Multi-Tiered System of Support approach in our literacy delivery model. General education and most special education students are taught core literacy at their grade level. Students who do not meet benchmark on district assessments may receive supplemental instruction and intervention.

- I. Curriculum is aligned to common core state standards and Learning goals are posted and communicated to students
- II. Multiple data points and sources used in instructional decisions
- III. Additional intense intervention for tier 2 students, provided by highly qualified and trained teachers
- IV. Support for teachers to meet students needs in place, including instructional collaborating and Professional Learning Communities
- V. Data is used to determine the appropriate instruction and interventions based on Scientifically Based Reading Instruction (SBRR) and the following fundamentals of literacy
  - A. Oral Language Development
  - B. Phonemic Awareness
  - C. Phonics
  - D. Fluency
  - E. Vocabulary
  - F. Comprehension
  - G. Motivation

## Intervention And Supports

When a student is still struggling after receiving the instruction stated above, PRB offers additional interventions. Diagnostic assessments are used to determine and target what an individual student’s academic needs are. The following chart details these services.

Intervention	Focus	Person Providing Services	Minutes per Week	Determination Criteria	Progress Monitoring Tool	Progress Monitoring Frequency
Read Naturally	Fluency	Paraprofessional	75	FastBridge National Norm. cut scores	FAST Bridge	Bi-Weekly
Words Their Way	Developmental Spelling, Phonics, Fluency	Teachers	75-150	Developmental Spelling Assessment	WTW Spelling Assessments	Weekly
Leveled Literacy Intervention	Phonics, Fluency, Comprehension, Writing	Classroom, Title 1 and Special Ed. Teachers	120-150	Fountas and Pinnell <b>BAS</b>	Fountas and Pinnell IRI	3 Times a year
Spire	Decoding, Phonics/fluency	Title 1 and Special Ed. Teachers	150	FastBridge National Norm. cut scores.	FAST Bridge	Bi-monthly
Rewards	Multisyllabic word ID	Classroom Teacher, Title 1 and Special Ed. Teachers	75-150	FastBridge National Norm. cut scores.	FAST Bridge Rewards Fluency Passages	Bi-monthly
Let's Talk About It	Oral Language Development	Classroom, Title 1 and Special Ed. Teachers	75	Mondo Oral Language Assessment (possibly looking at FastBridge OLF screener)	Mondo Oral Language Assessment (possibly looking at FastBridge OLF screener)	3 x per year (Fall, Winter, Spring)
PRESS	Phonics, Fluency, Phonemic Awareness	Title I	75	Below National Norm Cut Score	FastBridge, PRESS	Bi-weekly 3/year

<b>UFLI</b>	Decoding, Phonics/fluency	Title 1 and Special Ed. Teachers	150	FastBridge National Norm. cut scores.	FAST Bridge	Weekly
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## **English Language Learner Students (ELL)**

Pine River-Backus Elementary School has very few EL students. However, we are fortunate to have a licensed ELL teacher on staff. This teacher supports the needs of ELL students in the general education setting by pulling them out of the classroom for small group and/or individual instruction, and provides appropriate supplemental instruction based on their individual needs. The students are tested each year using the ACCESS for ELL's assessment.

## **Job-Embedded Professional Development:**

Our district has a systematic plan for professional development. [Based on student performance data, teachers and administration prioritize areas of professional growth needed to enhance teacher effectiveness.](#) Professional development is delivered in the forms of District-wide staff development, break-out sessions focused on content areas, and technology, High school, Middle School, and Elementary Leadership Teams, Professional Learning Communities (PLC's), weekly grade level collaboration, and new teacher mentorship programs. In addition, off site professional development is attended and the information is shared with teachers on site.

Pine River-Backus elementary teachers meet a minimum of 1 hour each month in grade level teams to collaborate and analyze student achievement data. This information is used for determining grouping and instructional needs. Special education and Title one teachers are available to attend meetings as needed to share effective instructional strategies in the areas of core instruction, interventions, and scientifically based reading best practices.

The Elementary Leadership Team provides professional insight and guidance regarding effective instructional and curricular programs. This team is in charge of formulating and articulating the district's strategic directives, developing the building school action plan and monitoring the teacher development and evaluation plan. Our Elementary Leadership Team tries to also support the Implementation Science and fidelity in instructional initiatives using Plan-Do-Study-Act (PDSA) analysis as needed to respond to school improvement plan goals. Additional responsibilities include providing leadership, peer collaborating and facilitating assigned PLCs.

**MILK BID COMPARISON  
2023-2024**

**RECOMMENDATION: Kemps**

**BIDDER: Kemps**

PRODUCT	PRICE	2022-23 SUPPLY	ESTIMATED TOTAL
Homogenized 1% Milk-1/2 pt Cartons	\$ 0.3340	40,930	\$ 13,670.62
Homogenized Skim Milk-1/2 pt Cartons	\$ 0.3230	6,350	\$ 2,051.05
Homogenized Choc Skim Milk-1/2 pt Cartons	\$ 0.3360	54,860	\$ 18,432.96
Homogenized Skim Milk-Gallons	\$ 4.2530	25	\$ 106.33
Lactose Free Milk-1/2 pt	\$ 0.8300	1200	\$ 996.00
Cottage Cheese 2%-bulk-lbs	\$ 2.6470	20	\$ 52.94
Yogurt-LowFat Vanilla Flavor-bulk-lbs	\$ 1.4542	500	\$ 727.10
Sour Cream-Individual "lite"-100 count cases	\$ 18.8000	18	\$ 338.40
<b>TOTALS</b>			<b>\$ 36,375.40</b>

**BIDDER: Ten Finns Creamery**

PRODUCT	PRICE	2022-23 SUPPLY	ESTIMATED TOTAL
Homogenized 1% Milk-1/2 pt Cartons	\$ 0.3200	40,930	\$ 13,097.60
Homogenized Skim Milk-1/2 pt Cartons	\$ 0.3200	6,350	\$ 2,032.00
Homogenized Choc Skim Milk-1/2 pt Cartons	\$ 0.3500	54,860	\$ 19,201.00
Homogenized Skim Milk-Gallons	\$ -	25	\$ -
Lactose Free Milk-1/2 pt	\$ -	1200	\$ -
Cottage Cheese 2%-bulk-lbs	\$ -	20	\$ -
Yogurt-LowFat Vanilla Flavor-bulk-lbs	\$ -	500	NA
Sour Cream-Individual "lite"-100 count cases	\$ -	18	\$ -
<b>TOTALS</b>			<b>\$ 34,330.60</b>

**NOTES:**

Ten Finns Creamery does not offer all items requested in the bid specs. Ten Finns does not supply the milk coolers as requested in the bid specs.

Totals of 1/2 pint cartons (excluding lactose free):

Kemps \$34,154.63

Ten Finns Creamery \$34,330.60

## **203.6 CONSENT AGENDAS**

### **I. PURPOSE**

The purpose of this policy is to allow the use of a consent agenda.

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

In order for a more efficient administration of school board meetings, the school board may elect to use a consent agenda for the passage of noncontroversial items or items of a similar nature.

### **III. CONSENT AGENDAS**

- A. The superintendent, in consultation with the school board chair, may place items on the consent agenda. By using a consent agenda, the school board has consented to the consideration of certain items as a group under one motion. Should a consent agenda be used, an appropriate amount of discussion time will be allowed to review any item upon request.
- B. Consent items are those which usually do not require discussion or explanation prior to school board action, are noncontroversial and/or similar in content, or are those items which have already been discussed and/or explained and do not require further discussion or explanation. Such agenda items might include ministerial tasks such as, but not limited to, the approval of the agenda, approval of previous minutes, approval of bills, approval of reports, etc. These items might also include similar groups of decisions such as, but not limited to, approval of staff contracts, approval of maintenance details for the school district buildings and grounds or approval of various schedules.
- C. Items shall be removed from the consent agenda by a timely request by an individual school board member for independent consideration. A request is timely if made prior to the vote on the consent agenda. The request does not require a second or a vote by the school board. An item removed from the consent agenda will then be discussed and acted on separately immediately following the consideration of the consent agenda.
- D. Consent agenda items are approved en masse by one vote of the school board. The consent agenda items shall be separately recorded in the minutes.

**Legal References:** Minn. Stat. § 123B.09, Subd. 7 (Boards of Independent School Districts)

**Cross References:** MSBA/MASA Model Policy 203.2 (Order of the Regular School Board Meeting)  
MSBA/MASA Model Policy 203.5 (School Board Meeting Agenda)  
MSBA/MASA Model Policy 204 (School Board Meeting Minutes)

## **605 ALTERNATIVE EDUCATIONAL SERVICES**

### **I. PURPOSE**

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

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

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

### **III. RESPONSIBILITY**

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

**Legal References:** Minn. Stat. § 120A.22, Subd. 8 (Compulsory Instruction)  
Minn. Stat. § 121A.41, Subd. 11 (Definitions)

Minn. Stat. § 121A.45, Subd. 1 (Grounds for Dismissal)  
Minn. Stat. § 123A.06 (State-Approved Alternative Programs and Services)  
Minn. Stat. § 124D.66 (Assurance of Mastery Programs)  
Minn. Stat. § 124D.68 (Graduation Incentives Programs)  
Minn. Stat. § 124D.74 (American Indian Language and Cultural Educational Programs)  
Minn. Stat. § 125A.50 (Alternative Delivery of Specialized Instructional Services)

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

## **610 FIELD TRIPS**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for student trips and to identify the general process to be followed for review and approval of trip requests.

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

The general expectation of the school board is that all student trips will be well planned, conducted in an orderly manner and safe environment, and will relate directly to the objectives of the class or activity for which the trip is requested. Student trips will be categorized within three general areas:

#### **A. Instructional Trips**

Trips that take place during the school day, relate directly to a course of study, and require student participation shall fall in this category. These trips shall be subject to review and approval of the building principal and shall be financed by school district funds within the constraints of the school building budget. Fees may not be assessed against students to defray direct costs of instructional trips. (Minn. Stat. § 123B.37, Prohibited Fees)

#### **B. Supplementary Trips**

This category pertains to those trips in which students voluntarily participate and which usually take place outside the regular school day. Examples of trips in this category involve student activities, clubs, and other special interest groups. These trips are subject to review and approval of the activities director and/or the building principal. Financial contributions by students may be requested. (Minn. Stat. § 123B.36, Authorized Fees)

#### **C. Extended Trips**

1. Trips that involve one or more overnight stops fall into this category. Extended trips may be instructional or supplementary and must be requested well in advance of the planned activity. An extended trip request form must be completed and approved at each level: student, principal, superintendent, and school board. Exceptions to the approval policy may be granted or expedited to accommodate emergencies or contingencies (e.g., tournament competition).
2. The school board acknowledges and supports the efforts of booster clubs

and similar organizations in providing extended trip opportunities for students.

### III. REGULATIONS

- A. Rules of conduct and discipline for students and employees shall apply to all student trip activity.
- B. The school administration shall be responsible for providing more detailed procedures, including parental involvement, supervision, and such other factors deemed important and in the best interest of students.
- C. Transportation shall be furnished through a commercial carrier or school-owned vehicle.
- D. An employee may use a personal vehicle to transport staff or personal property for purposes of a field trip upon prior, written approval from administration.
- E. An employee must not use a personal vehicle to transport one or more students for purposes of a field trip.
  - 1) If immediate transportation of a student is required due to an emergency or unforeseen circumstance, such as the illness or injury of a child, and the transportation does not constitute regular or scheduled transportation, a personal vehicle may be used. To the extent a personal vehicle is used, the vehicle must be properly registered and insured.

2) An employee must obtain pre approval by administration of student transportation by a personal vehicle, pursuant to Section III.E.1, if practicable. If pre approval by administration of use of a personal vehicle cannot be obtained in a reasonable time given the circumstances, an employee shall report the relevant facts and circumstances justifying the need for use of a personal vehicle to administration as soon as practicable. The relevant facts and circumstances for use of a personal vehicle shall be documented by administration.

### IV. SCHOOL BOARD REVIEW

The superintendent shall at least annually report to the school board upon the utilization of trips under this policy.

**Legal References:** Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 123B.37 (Prohibited Fees)  
Minn. Stat. § 123B.49 ( Extracurricular Activities; Insurance)  
Minn. Stat. § 169.011, Subd. 71(a) (Definitions)  
Minn. Stat. § 169.454, Subd. 13 (Type III Vehicle Standards)

*Sonkowsky v. Board of Educ. for Indep. Sch. Dist. No. 721*, 327 F.3d 675 (8<sup>th</sup> Cir. 2003)

*Lee v. Pine Bluff Sch. Dist.*, 472 F.3d 1026 (8<sup>th</sup> Cir. 2007)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 423 (Employee – Student Relationships)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 710 (Extracurricular Transportation)

## **701 ESTABLISHMENT AND ADOPTION OF SCHOOL DISTRICT BUDGET**

***[Note: The provisions of this policy substantially reflect the requirements of Minnesota Statutes.]***

### **I. PURPOSE**

The purpose of this policy is to establish lines of authority and procedures for the establishment of the school district's revenue and expenditure budgets.

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

The policy of the school district is to establish its revenue and expenditure budgets in accordance with the applicable provisions of law. Budget planning is an integral part of program planning so that the annual budget will effectively express and implement school board goals and the priorities of the school district.

### **III. REQUIREMENT**

- A. The superintendent or such other school official as designated by the superintendent or the school board shall each year prepare preliminary revenue and expenditure budgets for review by the school board or its designated committee or committees. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the members of the school board and the public. The school board shall review the projected revenues and expenditures for the school district for the next fiscal year and make such adjustments in the expenditure budget as necessary to carry out the education program within the revenues projected.
- B. The school district must maintain separate accounts to identify revenues and expenditures for each building. Expenditures shall be reported in compliance with Minnesota Statutes section 123B.76.
- C. Prior to July 1 of each year, the school board shall approve and adopt its initial revenue and expenditure budgets for the next school year. The adopted expenditure budget document shall be considered the school board's expenditure authorization for that school year. No funds may be expended for any purpose in any school year prior to the adoption of the budget document which authorizes that expenditure for that year, or prior to the adoption of an amendment to that budget document by the school board to authorize that expenditure for that year.
- D. Each year, the school district shall publish its adopted revenue and expenditure

budgets for the current year, the actual revenues, expenditures, and fund balances for the prior year, and the projected fund balances for the current year in the form prescribed by the Minnesota Commissioner of Education within one week of the acceptance of the final audit by the school board, or November 30, whichever is earlier. A statement shall be included in the publication that the complete budget in detail may be inspected by any resident of the school district upon request to the superintendent. A summary of this information and the address of the school district's official website where the information can be found must be published in a newspaper of general circulation in the school district. At the same time as this publication, the school district shall publish the other information required by Minnesota Statute section 123B.10.

- E. At the public hearing on the adoption of the school district's proposed property tax levy, the school board shall review its current budget and the proposed property taxes payable in the following calendar year.
- F. The school district must also post the materials specified in Paragraph III.D. above on the school district's official website, including a link to the school district's school report card on the Minnesota Department of Education's website, and publish a summary of information and the address of the school district's website where the information can be found in a qualified newspaper of general circulation in the district.

#### **IV. IMPLEMENTATION**

- A. The school board places the responsibility for administering the adopted budget with the superintendent. The superintendent may delegate duties related thereto to other school officials, but the superintendent maintains the ultimate responsibility for this function.
- B. The program-oriented budgeting system will be supported by a program-oriented accounting structure organized and operated on a fund basis as provided for in Minnesota statutes through the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS).
- C. The superintendent or the superintendent's designee is authorized to make payments of claims or salaries authorized by the adopted or amended budget prior to school board approval.
- D. Supplies and capital equipment can be ordered prior to budget adoption only by authority of the school board. If additional personnel are provided in the proposed budget, actual hiring may not occur until the budget is adopted unless otherwise approved by the school board. Other funds to be expended in a subsequent school year may not be encumbered prior to budget adoption unless specifically approved by the school board.
- E. The school district shall make such reports to the Minnesota Commissioner of Education as required relating to initial allocations of revenue, reallocations of

revenue, and expenditures of funds.

**Legal References:** Minn. Stat. § 123B.10 (Publication of Financial Information)  
Minn. Stat. § 123B.76 (Expenditures; Reporting)  
Minn. Stat. § 123B.77 (Accounting, Budgeting and Reporting Requirements)

**Cross References:** MSBA/MASA Model Policy 701.1 (Modification of School District Budget)  
MSBA/MASA Model Policy 702 (Accounting)

## **702 ACCOUNTING**

*[Note: The provisions of this policy reflect the applicable statutes and are not discretionary in nature.]*

### **I. PURPOSE**

The purpose of this policy is to adopt the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in guidelines adopted by the Minnesota Department of Education.

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

It is the policy of this school district to comply with the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts.

### **III. MAINTENANCE OF BOOKS AND ACCOUNTS**

The school district shall maintain its books and records and do its accounting in compliance with the Uniform Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in the guidelines adopted by the Minnesota Department of Education and in compliance with applicable state laws and rules relating to reporting of revenues and expenditures.

### **IV. PERMANENT FUND TRANSFERS**

Unless otherwise authorized pursuant to Minnesota Statutes section 123B.80, as amended, or any other law, fund transfers shall be made in compliance with UFARS and permanent fund transfers shall only be made in compliance with Minnesota Statutes section 123B.79, as amended, or other applicable statute.

### **V. REPORTING**

The school board shall provide for an annual audit of the books and records of the school district to assure compliance of its records with UFARS. Each year, the school district shall also provide for the publication of the financial information specified in Minnesota Statutes section 123B.10 in the manner specified therein.

**Legal References:** Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.09 ( Boards of Independent School Districts)  
Minn. Stat. § 123B.10 (Publication of Financial Information)  
Minn. Stat. § 123B.14, Subd. 7 (Officers of Independent School Districts)

Minn. Stat. § 123B.75 (Revenue: Reporting)  
Minn. Stat. § 123B.76 (Expenditures; Reporting)  
Minn. Stat. § 123B.77 (Accounting, Budgeting and Reporting Requirements)  
Minn. Stat. § 123B.78 (Cash Flow; School District; Revenues, Borrowing for Current Operating Costs; Capital Expenditures, Deficits)  
Minn. Stat. § 123B.79 (Permanent Fund Transfers)  
Minn. Stat. § 123B.80 (Exceptions for Permanent Fund Transfers)

**Cross References:** MSBA/MASA Model Policy 703 (Annual Audit)

## **703 ANNUAL AUDIT**

*[Note: The provisions of this policy reflect the applicable statutes and are not discretionary in nature.]*

### **I. PURPOSE**

The purpose of this policy is to provide for an annual audit of the books and records of the school district in order to comply with law, to provide a permanent record of the financial position of the school district, and to provide guidance to the school district to correct any errors and discrepancies in its practices.

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

The policy of this school district is to comply with all laws relating to the annual audit of the books and records of the school district.

### **III. REQUIREMENT**

- A. The school board shall appoint independent certified public accountants to audit, examine, and report upon the books and records of the school district. The school board may enter into a contract with a person or firm to provide the agreed upon services.
- B. After the close of each fiscal year, the books, records, and accounts of the school district shall be audited by said independent certified public accountants in accordance with applicable standards and legal requirements. The superintendent and members of the administration shall cooperate with the auditors.
- C. The school district shall, prior to September 15 of each year, submit unaudited financial data for the preceding year to the Minnesota Commissioner of Education (Commissioner) on forms prescribed by the Commissioner. The report shall also include those items required by Minnesota Statutes section 123B.14, subdivision 7.
- D. The school district shall, prior to November 30 of each year, provide to the Commissioner audited financial data for the preceding fiscal year. The school district shall, prior to December 31 of each year, provide to the Commissioner and the State Auditor an audited financial statement in a form that will allow comparison with and correction of material differences in the unaudited data. The audited financial statement must also provide a statement of assurance pertaining to compliance with uniform financial accounting and reporting standards and a copy

of the management letter submitted to the school district by its auditor.

- E. The audit must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, and the Minnesota Legal Compliance Audit Guide for School Districts issued by the Office of the State Auditor.
- F. The school board must approve the audit report by resolution or require a further or amended report.
- G. The administration shall report to the school board regarding any actions necessary to correct any deficiencies or exceptions noted in the audit.
- H. The accounts and records of the school district shall also be subject to audit and inspection by the State Auditor to the extent provided in Minnesota Statutes chapter 6.

**Legal References:** Minn. Stat. Ch. 6 (State Auditor)

Minn. Stat. § 123B.02 (General Powers of Independent School Districts)

Minn. Stat. § 123B.09 (Boards of Independent School Districts)

Minn. Stat. § 123B.14, Subd. 7 (Officers of independent school Districts)

Minn.Stat. § 123B.77, Subds. 2 and 3 (Accounting, Budgeting, and Reporting Requirement)

**Cross References:** MSBA/MASA Model Policy 702 (Accounting)

## **704 DEVELOPMENT AND MAINTENANCE OF AN INVENTORY OF FIXED ASSETS AND A FIXED ASSET ACCOUNTING SYSTEM**

### **I. PURPOSE**

The purpose of this policy is to provide for the development and maintenance of an inventory of the fixed assets of the school district and the establishment and maintenance of a fixed asset accounting system.

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

The policy of the school district is that a fixed asset accounting system and an inventory of fixed assets be developed and maintained.

### **III. DEVELOPMENT OF INVENTORY AND ACCOUNTING SYSTEM**

The superintendent or such other school official as designated by the superintendent or the school board shall be responsible for the development and maintenance of an inventory of the fixed assets of the school district and for the establishment and maintenance of a formal fixed asset accounting system. The accounting system shall be operated in compliance with the applicable provisions of the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS). In addition, the inventory shall specify the location of all continued abstracts showing the conveyance of the property to the school district; certificates of title showing title to the property in the school district; title insurance policies; surveys; and other property records relating to the real property of the school district.

### **IV. REPORT**

The administration shall annually update the property records of the school district and provide an inventory of the fixed assets of the school district to the school board.

**Legal References:** Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.09 (Boards of Independent School Districts)  
Minn. Stat. § 123B.51 (Schoolhouse and Sites; Uses for School and Nonschool Purposes; Closings)

**Cross References:** MSBA/MASA Model Policy 702 (Accounting)

## **705 INVESTMENTS**

***[Note: The provisions of this policy substantially reflect legal requirements.]***

### **I. PURPOSE**

The purpose of this policy is to establish guidelines for the investment of school district funds.

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

The policy of this school district is to comply with all state laws relating to investments and to guarantee that investments meet certain primary criteria.

### **III. SCOPE**

This policy applies to all investments of the surplus funds of the school district, regardless of the fund accounts in which they are maintained, unless certain investments are specifically exempted by the school board through formal action.

### **IV. AUTHORITY; OBJECTIVES**

- A. The funds of the school district shall be deposited or invested in accordance with this policy, Minnesota Statutes chapter 118A and any other applicable law or written administrative procedures.
- B. The primary criteria for the investment of the funds of the school district, in priority order, are as follows
  1. Safety and Security. Safety of principal is the first priority. The investments of the school district shall be undertaken in a manner that seeks to ensure the preservation of the capital in the overall investment portfolio.
  2. Liquidity. The funds shall be invested to assure that funds are available to meet immediate payment requirements, including payroll, accounts payable, and debt service.
  3. Return and Yield. The investments shall be managed in a manner to attain a market rate of return through various economic and budgetary cycles, while preserving and protecting the capital in the investment portfolio and taking into account constraints on risk and cash flow requirements.

## **V. DELEGATION OF AUTHORITY**

- A. The Business Manager of the school district is designated as the investment officer of the school district and is responsible for investment decisions and activities under the direction of the school board. The investment officer shall operate the school district's investment program consistent with this policy. The investment officer may delegate certain duties to a designee or designees but shall remain responsible for the operation of the program.
- B. All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the school district.

## **VI. STANDARD OF CONDUCT**

The standard of conduct regarding school district investments to be applied by the investment officer shall be the "prudent person standard." Under this standard, the investment officer shall exercise that degree of judgment and care, under the circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, investing not for speculation and considering the probable safety of their capital as well as the probable investment return to be derived from their assets. The prudent person standard shall be applied in the context of managing the overall investment portfolio of the school district. The investment officer, acting in accordance with this policy and exercising due diligence, judgment, and care commensurate with the risk, shall not be held personally responsible for a specific security's performance or for market price changes. Deviations from expectations shall be reported in a timely manner and appropriate actions shall be taken to control adverse developments.

## **VII. MONITORING AND ADJUSTING INVESTMENTS**

The investment officer shall routinely monitor existing investments and the contents of the school district's investment portfolio, the available markets, and the relative value of competing investment instruments.

## **VIII. INTERNAL CONTROLS**

The investment officer shall establish a system of internal controls which shall be documented in writing. The internal controls shall be reviewed by the school board and shall be annually reviewed for compliance by the school district's independent auditors. The internal controls shall be designed to prevent and control losses of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions by officers, employees, or others. The internal controls may include, but shall not be limited to, provisions relating to controlling collusion,

separating functions, separating transaction authority from accounting and record keeping, custodial safekeeping, avoiding bearer form securities, clearly delegating authority to applicable staff members, limiting securities losses and remedial action, confirming telephone transactions in writing, supervising and controlling employee actions, minimizing the number of authorized investment officials, and documenting transactions and strategies.

## **IX. PERMISSIBLE INVESTMENT INSTRUMENTS**

The school district may invest its available funds in those instruments specified in Minnesota Statute sections 118A.04 and 118A.05, as these sections may be amended from time to time, or any other law governing the investment of school district funds. The assets of an other postemployment benefits (OPEB) trust or trust account established pursuant to Minnesota Statute section 471.6175 to pay postemployment benefits to employees or officers after their termination of service, with a trust administrator other than the Public Employees Retirement Association, may be invested in instruments authorized under Minnesota Statutes chapter 118A or Minnesota Statutes section 356A.06, subdivision 7. Investment of funds in an OPEB trust account under Minnesota Statutes section 356A.06, subdivision 7, as well as the overall asset allocation strategy for OPEB investments, shall be governed by an OPEB Investment Policy Statement (IPS) developed between the investment officer, as designed herein, and the trust administrator.

## **X. PORTFOLIO DIVERSIFICATION; MATURITIES**

- A. Limitations on instruments, diversification, and maturity scheduling shall depend on whether the funds being invested are considered short-term or long-term funds. All funds shall normally be considered short-term except those reserved for building construction projects or specific future projects and any unreserved funds used to provide financial-related managerial flexibility for future fiscal years.
- B. The school district shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.
  - 1. The investment officer shall prepare and present a table to the school board for review and approval. The table shall specify the maximum percentage of the school district's investment portfolio that may be invested in a single type of investment instrument, such as U.S. Treasury Obligations, certificates of deposit, repurchase agreements, banker's acceptances, commercial paper, etc. The approved table shall be attached as an exhibit to this policy and shall be incorporated herein by reference.
  - 2. The investment officer shall prepare and present to the school board for its review and approval a recommendation as to the maximum percentage of the total investment portfolio that may be held in any one

depository. The approved recommendation shall be attached as an exhibit or part of an exhibit to this policy and shall be incorporated herein by reference.

3. Investment maturities shall be scheduled to coincide with projected school district cash flow needs, taking into account large routine or scheduled expenditures, as well as anticipated receipt dates of anticipated revenues. Maturities for short-term and long-term investments shall be timed according to anticipated need. Within these parameters, portfolio maturities shall be staggered to avoid undue concentration of assets and a specific maturity sector. The maturities selected shall provide for stability of income and reasonable liquidity.

## **XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS**

Before the school district invests any surplus funds in a specific investment instrument, a competitive bid or quotation process shall be utilized. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations or bids shall be requested for instruments which meet the maturity requirement. If no specific maturity is required, a market trend analysis, which includes a yield curve, will normally be used to determine which maturities would be most advantageous. Quotations or bids shall be requested for various options with regard to term and instrument. The school district will accept the quotation or bid which provides the highest rate of return within the maturity required and within the limits of this policy. Generally all quotations or bids will be computed on a consistent basis, i.e., a 360-day or a 365-day yield. Records will be kept of the quotations or bids received, the quotations or bids accepted, and a brief explanation of the decision that was made regarding the investment. If the school district contracts with an investment advisor, bids are not required in those circumstances specified in the contract with the advisor.

## **XII. QUALIFIED INSTITUTIONS AND BROKER-DEALERS**

- A. The school district shall maintain a list of the financial institutions that are approved for investment purposes.
- B. Prior to completing an initial transaction with a broker, the school district shall provide to the broker a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with Minnesota statutes governing the investment of public funds. The broker must annually acknowledge receipt of the statement of investment restrictions and agree to handle the school district's account in accordance with these restrictions. The school district may not enter into a transaction with a broker until the broker has provided this annual written agreement to the school district. The notification form to be used shall be that prepared by the State Auditor. A copy of this investment policy, including any amendments thereto, shall be provided to each such broker.

### **XIII. SAFEKEEPING AND COLLATERALIZATION**

- A. All investment securities purchased by the school district shall be held in third-party safekeeping by an institution designated as custodial agent. The custodial agent may be any Federal Reserve Bank, any bank authorized under the laws of the United States or any state to exercise corporate trust powers, a primary reporting dealer in United States Government securities to the Federal Reserve Bank of New York, or a securities broker-dealer defined in Minnesota Statute section 118A.06. The institution or dealer shall issue a safekeeping receipt to the school district listing the specific instrument, the name of the issuer, the name in which the security is held, the rate, the maturity, serial numbers and other distinguishing marks, and other pertinent information.
- B. Deposit-type securities shall be collateralized as required by Minnesota Statute section 118A.03 for any amount exceeding FDIC, SAIF, BIF, FCUA, or other federal deposit coverage.
- C. Repurchase agreements shall be secured by the physical delivery or transfer against payment of the collateral securities to a third party or custodial agent for safekeeping. The school district may accept a safekeeping receipt instead of requiring physical delivery or third-party safekeeping of collateral on overnight repurchase agreements of less than \$1,000,000.

### **XIV. REPORTING REQUIREMENTS**

- A. The investment officer shall generate monthly transaction reports for management purposes. In addition, the school board shall be provided a monthly report that shall include data on investment instruments being held as well as any narrative necessary for clarification.
- B. The investment officer shall prepare and submit to the school board upon request an investment report that summarizes recent market conditions, economic developments, and anticipated investment conditions. The report shall summarize the investment strategies employed in the most recent quarter and describe the investment portfolio in terms of investment securities, maturities, risk characteristics, and other features. The report shall summarize changes in investment instruments and asset allocation strategy approved by the investment officer for an OPEB trust in the most recent quarter. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report shall include an appendix that discloses all transactions during the past quarter. Each quarterly report shall indicate any areas of policy concern and suggested or planned revisions of investment strategies. Copies of the report shall be provided to the school district's auditor.
- C. Within ninety (90) days after the end of each fiscal year of the school district, the investment officer shall prepare and submit to the school board a comprehensive annual report on the investment program and investment

activity of the school district for that fiscal year. The annual report shall include 12-month and separate quarterly comparisons of return and shall suggest revisions and improvements that might be made in the investment program.

- D. If necessary, the investment officer shall establish systems and procedures to comply with applicable federal laws and regulations governing the investment of bond proceeds and funds in a debt service account for a bond issue. The record keeping system shall be reviewed annually by the independent auditor or by another party contracted or designated to review investments for arbitrage rebate or penalty calculation purposes.

## **XV. DEPOSITORIES**

The school board shall annually designate one or more official depositories for school district funds. The treasurer or the chief financial officer of the school district may also exercise the power of the school board to designate a depository. The school board shall be provided notice of any such designation by its next regular meeting. The school district and the depository shall each comply with the provisions of Minnesota Statute section 118A.03 and any other applicable law, including any provisions relating to designation of a depository, qualifying institutions, depository bonds, and approval, deposit, assignment, substitution, addition, and withdrawal of collateral.

## **XVI. ELECTRONIC FUNDS TRANSFER OF FUNDS FOR INVESTMENT**

The school district may make electronic fund transfers for investments of excess funds upon compliance with Minnesota Statutes section 471.38.

**Legal References:** Minn. Stat. § 118A.01 (Definitions)  
Minn. Stat. § 118A.02 (Depositories; Investing; Sales, Proceeds, Immunity)  
Minn. Stat. § 118A.03 (When and What Collateral Required)  
Minn. Stat. § 118A.04 (Investments)  
Minn. Stat. § 118A.05 (Contracts and Agreements)  
Minn. Stat. § 118A.06 Safekeeping; Acknowledgements)  
Minn. Stat. § 356A.06, Subd. 7 (Investment; Additional Duties)  
Minn. Stat. § 471.38 (Claims)  
Minn. Stat. § 471.6175 (Trust for Postemployment Benefits)

**Cross References:** MSBA/MASA Model Policy 703 (Annual Audit)  
Minnesota Legal Compliance Audit Guide for School Districts Prepared by the Office of the State Auditor

## **706 ACCEPTANCE OF GIFTS**

*[Note: The provisions of this policy substantially reflect statutory requirements.]*

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for the acceptance of gifts by the school board.

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

It is the policy of this school district to accept gifts only in compliance with state law.

### **III. ACCEPTANCE OF GIFTS GENERALLY**

The school board may receive, for the benefit of the school district, bequests, donations or gifts for any proper purpose. The school board shall have the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the school district and whether it should be accepted or rejected.

### **IV. GIFTS OF REAL OR PERSONAL PROPERTY**

The school board may accept a gift, grant or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members. The resolution must fully describe any conditions placed on the gift. The real or personal property so accepted may not be used for religious or sectarian purposes.

*[Note: This voting requirement and gift use provision is specified by Minnesota Statutes section 465.03.]*

### **V. ADMINISTRATION IN ACCORDANCE WITH TERMS**

If the school board agrees to accept a bequest, donation, gift, grant or device which contains preconditions, conditions or limitations on use, the school board shall administer it in accordance with those terms. Once accepted, a gift shall be the property of the school district unless otherwise provided in the agreed upon terms.

**Legal References:** Minn. Stat. § 123B.02, Subd. 6 (General Powers of Independent School Boards)  
Minn. Stat. § 465.03 (Gifts to Municipalities)

***Cross References: None***

## 707 TRANSPORTATION OF PUBLIC SCHOOL STUDENTS

*[Note: The obligations stated in this policy are largely governed by statute. Statutory references are throughout the policy. A school district may choose to add obligations to the model policy.]*

### I. PURPOSE

The purpose of this policy is to provide for the transportation of students consistent with the requirements of law.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide for the transportation of students in a manner which will protect their health, welfare, and safety.
- B. The school district recognizes that transportation is an essential part of the school district services to students and parents but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.

### III. DEFINITIONS

- A. “Child with a disability” includes every child identified under federal and state special education law as deaf or hard of hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Education (“Commissioner”). A licensed physician, an advanced practice nurse, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. In addition, every child under age three, and at the school district’s discretion from age three to seven, who needs special instruction and services, as determined by the rules of the Commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability.
- B. “Home” is the legal residence of the child. In the discretion of the school district, “home” also may be defined as a licensed day care facility, school day care facility,

a respite care facility, the residence of a relative, or the residence of a person chosen by the student's parent or guardian as the home of a student for part or all of the day, if requested by the student's parent or guardian, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program is within the attendance area of the school the student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the school district if enrolled in the school district.

- C. "Homeless student" means a student, including a migratory student, who lacks a fixed, regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances.
- D. "Nonpublic school" means any school, church, or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of Minnesota Statutes section 120A.22, which is located within the state, and which meets the requirements of Title VI of the Civil Rights Act of 1964.
- E. "Nonresident student" is a student who attends school in the school district and resides in another district, defined as the "nonresident district." In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and the parents reside in different school districts, the student shall be a resident of the school district designated by the student's parents. When parental rights have been terminated by court order, the legal residence of a student placed in a residential or foster facility for care and treatment is the district in which the student resides.
- F. "Pupil support services" are health, counseling, and guidance services provided by the public school in the same district where the nonpublic school is located.
- G. "School of origin," for purposes of determining the residence of a homeless student, is the school that the student attended when permanently housed or the school in which the student was last enrolled.
- H. "Shared time basis" is a program where students attend public school for part of the regular school day and who otherwise fulfill the requirements of Minnesota Statutes section 120A.22 by attendance at a nonpublic school.

- I. "Student" means any student or child attending or required to attend any school as provided in Minnesota law and who is a resident or child of a resident of Minnesota.

#### IV. ELIGIBILITY

- A. Upon the request of a parent or guardian, the school district shall provide transportation to and from school, at the expense of the school district, for all resident students who reside two miles or more from the school, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student's parent or guardian.
- B. The school district may, in its discretion, also provide transportation to any student to and from school, at the expense of the school district, for any other purpose deemed appropriate by the school board.

***[Note: In this section, school districts may wish to outline those discretionary areas where they intend to provide transportation. For example, some school districts may provide that transportation shall be provided for all resident elementary students who reside one mile or more from the school.]***

- C. At the discretion of the school district, transportation along regular school bus routes may also be provided, where space is available, to any person where such use of a bus does not interfere with the transportation of students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor. Bus transportation also may be provided along school bus routes when space is available for participants in early childhood family education programs and school readiness programs if these services do not result in an increase in the school district's expenditures for transportation.
- D. For purposes of stabilizing enrollment and reducing mobility, the school district may, in its discretion, establish a full-service school zone and may provide transportation for students attending a school in that full-service school zone. A full-service school zone may be established for a school that is located in an area with higher than average crime or other social and economic challenges and that provides education, health or human services, or other parental support in collaboration with a city, county, state, or nonprofit agency.

#### V. TRANSPORTATION OF NONRESIDENT STUDENTS

- A. If requested by the parent of a nonresident student, the school district shall provide transportation to a nonresident student within its borders at the same level of service that is provided to resident students.
- B. If the school district decides to transport a nonresident student within the student's resident district, the school district will notify the student's resident district of its decision, in writing, prior to providing transportation.

- C. When divorced or legally separated parents or parents residing separately reside in different school districts and share physical custody of a student, the parents shall be responsible for the transportation of the student to the border of the school district during those times when the student is residing with the parent in the nonresident school district.
- D. The school district may provide transportation to allow a student who attends a high-need English language learner program and who resides within the transportation attendance area of the program to continue in the program until the student completes the highest grade level offered by the program.
- C. In general, the school district is not responsible for transportation for any resident student attending school in an adjoining state under a reciprocity agreement but may provide such transportation services at its discretion.

**VII. SPECIAL EDUCATION STUDENTS/STUDENTS WITH A DISABILITY/ STUDENTS WITH TEMPORARY DISABILITIES**

- A. Upon a request of a parent or guardian, the board must provide necessary transportation, consistent with Minnesota Statute section 123B.92, subdivision 1(b)(4), for a resident child with a disability not yet enrolled in kindergarten, for the provision of special instruction and services. Special instruction and services for a child with a disability not yet enrolled in kindergarten include an individualized education program (IEP) team placement in an early childhood program when that placement is necessary to address the child's level of functioning and needs.
- B. Resident students with a disability whose disabling conditions are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the school district or the day training and habilitation program attended by the student. The school district shall determine the type of vehicle used to transport students with a disability on the basis of the disabling condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with the school district.
- C. Resident students with a disability who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the school district, shall be provided transportation, by the school district to and from said board and lodging facilities, at the expense of the school district.
- D. If a resident student with a disability attends a public school located in a contiguous school district and the school district of attendance does not provide special instruction and services, the school district shall provide necessary transportation for the student between the school district boundary and the

educational facility where special instruction and services are provided within the school district. The school district may provide necessary transportation of the student between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the school district boundary.

- E. When a student with a disability or a student with a short-term or temporary disability is temporarily placed for care and treatment in a day program located in another school district and the student continues to live within the school district during the care and treatment, the school district shall provide the transportation, at the expense of the school district, to that student. The school district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a daycare and treatment program and the school district receives a copy of the order, then the school district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the school district during regular operating hours of the school district.
- F. When a nonresident student with a disability or a student with a short-term or temporary disability is temporarily placed in a residential program within the school district, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, the school district shall provide the necessary transportation at the expense of the school district. Where a joint powers entity enters into a contract with a privately owned and operated residential facility for the provision of education programs for special education students, the joint powers entity shall provide the necessary transportation.
- G. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law.
- H. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the alternative dispute resolution and due process procedures provided for in Minnesota Statute chapter 125A.

## **VIII. HOMELESS STUDENTS**

- A. Homeless students shall be provided with transportation services comparable to other students in the school district.
- B. Upon request by the student's parent, guardian, or homeless education liaison, the school district shall provide transportation for a homeless student as follows:
  - 1. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements within

the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district.

2. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district, unless the school district and the school district in which the student is temporarily placed agree that the school district in which the student is temporarily placed shall provide transportation.
3. If a nonresident student is homeless and is residing in a public or private homeless shelter or has other non-shelter living arrangements within the school district, the school district may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of the school district upon agreement with the school district in which the school of origin is located.
4. A homeless nonresident student enrolled under Minnesota Statutes section 124D.08, subdivision 2a, must be provided transportation from the student's district of residence to and from the school of enrollment. (Minn. Stat. § 123B.92, Subd. 3(c)).

## **IX. AVAILABILITY OF SERVICES**

Transportation shall be provided on all regularly scheduled school days or make-up days.

Transportation will not be provided during the summer school break. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program. Transportation between home and school may also be provided, in the discretion of the school district, on staff development days.

## **X. MANNER OF TRANSPORTATION**

The scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto shall be within the sole discretion, control and management of the school board. The school district may, in its discretion, provide room and board, in lieu of transportation, to a student who may be more economically and conveniently provided for by that means.

## **XI. RESTRICTIONS**

Transportation by the school district is a privilege and not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety

or conduct policies, or violation of any other law governing student conduct on a school bus pursuant to the school district's discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under 20 United States Code section 1415 (Individuals with Disabilities Act), 29 United States Code section 794 (the Rehabilitation Act), and 42 United States Code section 12132, (Americans with Disabilities Act) are governed by these provisions.

## **XII. FEES**

- A. In its discretion, the school district may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional.
- B. The school district may charge fees for transportation of students to and from school when authorized by law. If the school district charges fees for transportation of students to and from school, guidelines shall be established for that transportation to ensure that no student is denied transportation solely because of inability to pay. The school district also may waive fees for transportation if the student's parent is serving in, or within the past year has served in, active military service as defined in Minnesota Statutes section 190.05.
- C. The school district may charge reasonable fees for transportation of students to and from post-secondary institutions for students enrolled under the post-secondary enrollment options program. Families who qualify for mileage reimbursement may use their state mileage reimbursement to pay this fee.
- D. Where, in its discretion, the school district provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, the school district may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs.

**Legal References:** Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.59 (Bus Transportation is a Privilege Not a Right)  
Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 123B.41 (Educational Aids for Nonpublic School Children; Definitions)  
Minn. Stat. § 123B.44 (Provision of Pupil Support Services)  
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)  
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.04 (Options for Enrolling in Adjoining States)  
Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)

Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 125A.02 (Children with a Disability, Defined)  
Minn. Stat. § 125A.12 (Attendance in Another District)  
Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)  
Minn. Stat. § 125A.51 (Placement of Children Without Disabilities; Education and Transportation)  
Minn. Stat. § 125A.515 (Placement of Students; Approval of Education Program)  
Minn. Stat. § 125A.65 (Attendance at Academies for the Deaf and Blind)  
Minn. Stat. § 126C.01 (General Education Revenue - Definitions)  
Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)  
Minn. Stat. § 190.05 (Definitions)  
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)  
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disabilities)  
20 U.S.C. § 1415 (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 2000d (Prohibition against Exclusion from Participation in, Denial of Benefits of, and Discrimination under Federally Assisted Programs on Ground of Race, Color, or National Origin)  
42 U.S.C. § 11431, *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)  
42 U.S.C. § 12132, *et seq.* (Americans with Disabilities Act)

**Cross References:** MSBA/MASA Model Policy 708 (Transportation of Nonpublic School Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 710 (Extracurricular Transportation)

## **710 EXTRACURRICULAR TRANSPORTATION**

### **I. PURPOSE**

The purpose of this policy is to make clear to students, parents, and staff the school district's policy regarding extracurricular transportation.

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

The determination as to whether to provide transportation for students, spectators, or participants to and from extracurricular activities shall be made solely by the school district administration. This determination shall include, but is not limited to, the decision to provide transportation, the persons to be transported, the type or method to be utilized, all transportation scheduling and coordination, and any other transportation arrangements or decisions. Employees who are involved in extracurricular activities shall be advised by the administration as to the transportation arrangements made, if any.

### **III. ARRANGEMENT OF EXTRACURRICULAR TRANSPORTATION**

School district employees shall not undertake independent arrangement, scheduling, or coordination of transportation for extracurricular activities unless specifically directed or approved by the school district administration. All transportation arrangements made by a school district employee must be approved by a building administrator. If the school district makes no arrangements for extracurricular transportation, students who wish to participate are responsible for arranging for or providing their own transportation.

### **IV. NO EMPLOYEE TRANSPORTATION OF STUDENTS WITH PERSONAL VEHICLES**

An employee must not use a personal vehicle to transport one or more students except as provided herein. However, employees may make appropriate transportation arrangements for students as necessary in an emergency or other unforeseeable circumstance.

In a nonemergency situation, an employee must get prior, written approval from the administration before transporting a student in a personal vehicle. If a school vehicle is available, the employee will use the school vehicle. The administration has the sole discretion to make a final determination as to the appropriate use of a personal vehicle to transport one or more students.

If any emergency transportation arrangements are made by employees pursuant to

this section, the relevant facts and circumstances shall be reported to the administration as soon thereafter as practicable.

All vehicles used to transport students shall be properly registered and insured.

*[Note: This policy provides that employees may use a personal vehicle to transport students in an emergency or other unforeseeable circumstance. An “emergency or other unforeseeable circumstance” does not include situations where regular transportation is available or scheduled.*

*For example, if a scheduled extracurricular event occurs outside of the school district and the school district transports a team or group of students to and from the event, an employee would be prohibited by law from using a personal vehicle to transport some students to the event. In contrast, if a student attending this same event became ill or injured and required immediate transportation home or to a health care facility, the exigent need to transport one student would not constitute regular or scheduled transportation. An employee would have authority to transport the student in a personal vehicle under these circumstances, if using a vehicle that is properly registered and insured. The expectation of the school district is that the employee would immediately contact administration about these circumstances to ensure oversight of the employee’s use of this exception.*

*Nonregular and nonscheduled transportation also would include situations where some notice may be provided of the need for transportation to a nonscheduled event for which transportation generally is not provided by the school district. For example, a group of students may participate in a scheduled debate competition for which regular school district transportation is provided. Two students advance to a regional competition the following day. Transportation would not have been scheduled to the regional competition as the students’ advancement was not predicted. These circumstances may justify an employee’s use of a personal vehicle to transport the two students to the regional competition, if the vehicle is properly registered and insured. Because the employee has sufficient time to contact an administrator, advance written permission by an administrator would be expected for the purpose of overseeing that the reasons for an employee using a personal vehicle comply with the requirements of the law.]*

## V. FEES

In its discretion, the school district may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional.

**Legal References:** Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 169.011, Subd. 71(a) (Definitions)  
Minn. Stat. § 169.454, Subd. 13 (Type III Vehicle Standards)

**Cross References:** MSBA/MASA Model Policy 610 (Field Trips)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

## **711 VIDEO RECORDING ON SCHOOL BUSES**

### **I. PURPOSE**

The transportation of students to and from school is an important function of the school district, and transportation by the school district is a privilege and not a right for an eligible student. The behavior of students and employees on the bus is a significant factor in the safety and efficiency of school bus transportation. Student and employee misbehavior increases the potential risks of injury. Therefore, the school district believes that video recording student passengers and employees on the school bus will encourage good behavior and, as a result, promote safety. The purpose of this policy is to establish a school bus video recording system.

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

#### **A. Placement**

1. Each and every school bus owned, leased, contracted, and/or operated by the school district shall be equipped with a fully enclosed box for placement and operation of a video camera and conspicuously placed signs notifying riders that their conversations or actions may be recorded.
2. A video camera will not necessarily be installed in each and every school bus owned, leased, contracted, and/or operated by the school district, but cameras may be rotated from bus to bus without prior notice to students.
3. Video cameras will be placed on a particular school bus, to the extent possible, where the school district has received complaints of inappropriate behavior.

#### **B. Use of Video Recordings**

1. A video recording of the actions of student passengers and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct on the bus.
2. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, Minnesota Statute chapter 13 and the Family Educational Rights and Privacy Act, 20 United States

Code section 1232g and the rules and/or regulations promulgated thereunder.

3. Video recordings will be viewed by school district personnel on a random basis and/or when discipline problems on the bus have been brought to the attention of the school district.
4. A video recording will be retained by the school district until relooped or until the conclusion of disciplinary proceedings in which the video recording is used for evidence.

***[Note: School districts should review their record retention policies/schedules as to the stated retention period for school bus video recordings. The retention time period in the retention schedule should be consistent with the retention time period set forth in this policy. The January 2000 School District General Records Retention Schedule, adopted by many school districts, provides that building security/transportation video recordings are to be retained until relooped.]***

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.585 (Notice of Recording Device)  
Minn. Stat. § 138.17 (Government Records, Administration)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

## **712 VIDEO SURVEILLANCE OTHER THAN ON BUSES**

**[See Model Policy 711 for Video Recording on School Buses]**

### **I. PURPOSE**

Maintaining the health, welfare, and safety of students, staff, and visitors while on school district property and the protection of school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The school board recognizes the value of video/electronic surveillance systems in monitoring activity on school property in furtherance of protecting the health, welfare, and safety of students, staff, visitors, and school district property.

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

#### **A. Placement**

1. School district buildings and grounds may be equipped with video cameras.
2. Video surveillance may occur in any school district building or on any school district property.
3. Video surveillance will normally not be used in bathrooms or locker rooms, although these areas may be placed under surveillance by individuals of the same sex as the occupants of the bathrooms or locker rooms. Video surveillance in bathrooms or locker rooms will only be utilized in extreme situations, with extraordinary controls, and only as expressly approved by the superintendent.

#### **B. Use of Video Recordings**

1. Video recordings will be viewed by school district personnel on a random basis and/or when problems have been brought to the attention of the school district.
2. A video recording of the actions of students and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct in school district buildings or on school grounds.

3. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code section 1232g, and the rules and/or regulations promulgated thereunder.

C. Security and Maintenance

1. The school district shall establish appropriate security safeguards to ensure that video recordings are maintained and stored in conformance with the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code section 1232g, and the rules and/or regulations promulgated thereunder.
2. The school district shall ensure that video recordings are retained in accordance with the school district's records retention schedule.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.585 (Notice of Recording Device)  
Minn. Stat. § 138.17 (Government Records; Administration)  
Minn. Stat. § 609.746 (Interference with Privacy)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)

## 714 FUND BALANCES

***[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]***

### PURPOSE

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

### GENERAL STATEMENT OF POLICY

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

### DEFINITIONS

- A. "Assigned" fund balance amounts are comprised of unrestricted funds constrained by the school district's intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school district's intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.
- B. "Committed" fund balance amounts are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the school board and that remain binding unless removed by the school board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.
- C. "Enabling legislation" means legislation that authorizes a school district to assess, levy, charge, or otherwise mandate payment of resources from external providers and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.

- D. "Fund balance" means the arithmetic difference between the assets and liabilities reported in a school district fund.
- E. "Nonspendable" fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently unspendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.
- F. "Restricted" fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.
- G. "Unassigned" fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.
- H. "Unrestricted" fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

## **CLASSIFICATION OF FUND BALANCES**

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

## **MINIMUM FUND BALANCE**

The school district will strive to maintain a minimum unassigned general fund balance of 15 (fifteen) percent of the annual budget.

## **ORDER OF RESOURCE USE**

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

***[Note: The school board determines this order.]***

## COMMITTING FUND BALANCE

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

## ASSIGNING FUND BALANCE

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following: superintendent and business manager. Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

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

## STABILIZATION ARRANGEMENTS

***[Note: If the school board has established any arrangement(s) for emergencies and other contingencies, the description(s) should be included in this section. The school board needs to specifically define the circumstances or conditions when these amounts may be used, which must be unanticipated adverse financial or economic circumstances. These circumstances or conditions cannot be situations that are expected to or which occur routinely. Stabilization arrangements should be reported as restricted or committed if they meet the criteria or, otherwise, should be reported as unassigned. They should not be reported as assigned. If the school board does not have any such arrangements, this section should be deleted.]***

## REVIEW

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

***[Note: The school board should determine the review period adequate for their school district and change "an annual" to "a quarterly" or "a monthly" or some other time frame if appropriate.]***

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

**Cross References:** None

## **720 VENDING MACHINES**

### **I. PURPOSE**

The purpose of this policy is to establish procedures to govern vending machines installed in school facilities in the school district.

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

The policy of the school district is to contract for, supervise, maintain, and account for the proceeds from vending machines located in school facilities in a manner that is fair, that maximizes the revenues from those machines, that allows those revenues to be included in the budget of the facility in which they are generated, and that establishes controls to avoid fraud, theft, or the appearance of impropriety.

### **III. AUTHORIZATION**

Automatic vending machines for the dispensing of food, beverages, or other approved items are authorized in any school facility in the school district provided that all contracts for such vending machines must be approved by the school board as provided in this policy.

***[Note: This provision can be narrowed to apply only to specific facilities.]***

### **IV. SUPERVISION; APPROVAL; LOCATION**

- A. All vending machines shall be under the supervision of the school principal or other person in charge of the facility in which the machine is located. That administrator shall be responsible to supervise the machine in compliance with this policy and any applicable laws.
- B. The items to be dispensed from a vending machine located in a school facility shall be approved by the principal or other person in charge of that facility. All food, beverages, or other items approved shall be appropriate to the school setting. Machines dispensing cigarettes or tobacco products are not authorized under any circumstances. In the event a written complaint is filed with the superintendent regarding the approval or disapproval of any item, the school board, after proper review, shall make the final determination.
- C. Vending machines may be approved that will dispense items only during certain hours, through the use of timers or otherwise. Vending machines

should not be operated in competition with the school cafeteria or food service. The principal or other person in charge of the school facility may regulate the hours of operation of any machine.

- D. Vending machines shall be located to meet any applicable building, fire, or life/safety codes and to provide convenience of operation, accessibility, and ease of maintenance. The principal or other person in charge of the facility shall review the location of each machine with appropriate maintenance and food service staff.

## V. CONTRACT APPROVAL

- A. All contracts for the purchase or rental of vending machines shall be considered by the school board on a facility-by-facility basis.

***[Note: These provisions may need to be amended if the school board determines to contract for vending machine services on an exclusive and district-wide basis.]***

- B. If the estimated aggregate receipts from all vending machines located in a school facility will be \$10,000 or more in a fiscal year, the contract for any vending machine in that facility must be awarded after the receipt of sealed bids and compliance with Minnesota Statute section 123B.52.

***[Note: This dollar figure is lower than the \$175,000 statutory requirement for sealed bids but is recommended to protect the interests of the public.]***

- C. If the estimated aggregate receipts from all vending machines located in a school facility will be less than \$10,000 in a fiscal year, the contract for any vending machine in that facility may be awarded after the receipt of two or more quotations after taking into consideration conformity with the specifications, terms of delivery, other conditions imposed in the call for quotations, and compliance with Minnesota Statutes section 123B.52.

***[Note: This dollar figure is lower than the \$25,000 statutory requirement for quotations but is recommended to protect the interests of the public.]***

- D. The contracting process shall be conducted in compliance with Minnesota Statutes section 123B.52. A copy of this policy shall be included in any specifications or request for proposals or quotations. A record shall be kept of all bids or quotations received with the names, amounts, and successful bidder indicated. All bids and quotations shall be kept on file as a public record for a period of at least one year after their receipt.
- E. Any bid or quotation must specify all commissions to be paid from the machine and any other non commission amounts to be paid as a result of the award of the contract. The non commission amounts include, but are not limited to,

cash payments, in-kind payments, equipment donations, scholarship contributions, bonus payments, or other payments or contributions of any kind or nature. The non commission amounts shall be reduced to a cash equivalency and shall be specified on the bid or quotation as an additional amount to be paid for the award of the contract.

- F. If a contract contains a provision allowing exclusivity, such as all machines in the building carrying only a certain manufacturer's brand of pop, that provision must be reviewed by the administration prior to requesting bids or quotations to ensure that it does not conflict with other contracts of the school district.
- G. All contracts for vending machines must be approved by the school board. Any contract not made in compliance with this policy shall be void. Any district employee signing an unauthorized contract may be subject to personal liability thereon and may be disciplined for said action.
- H. All vending machines are to be installed at the expense of the facility in which located. All financial responsibility for the maintenance and repair of machines shall remain with the individual facility in which located to the extent not addressed in the contract.
- I. No teacher, administrator, school district employee, or school board member shall be interested, directly or indirectly, in a vending machine contract with the school district or personally benefit financially therefrom.

## **VI. ACCOUNTING**

- A. Proceeds from vending machine sales and contracts shall be under the control of the school board, shall be accounted for in one of the regular school district funds, and must be accounted for and reported in compliance with UFARS.
- B. An amount equal to the amount of the proceeds from the machines in each facility shall be included in the budget of the facility in which the proceeds are generated. That amount may be expended in accordance with established expenditure procedures.
- C. Pursuant to the vending machine contract or otherwise, proper auditing and inventory control procedures shall be established to ensure that commissions are being correctly calculated and paid. These controls must include daily, weekly, or other periodic inventories and written reconciliations of variances between inventory and cash. Each time cash is removed from, or inventory is added to a machine, a written reconciliation between cash and inventory must be performed by the person taking the cash from the machine and must be signed by the principal or other person in charge of the facility. The original written reconciliation reports shall be filed with the business office monthly and a copy shall be retained by the principal's office.

**Legal References:** Minn. Stat. § 123B.20 (Dealing in School Supplies)  
Minn. Stat. § 123B.52 (Contracts)  
Minn. Stat. § 471.345 (Uniform Municipal Contracting Laws)  
Minn. Stat. § 471.87 (Public Officers, Interest in Contract; Penalty)

**Cross References:** MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)  
MSBA/MASA Model Policy 702 (Accounting)

## 721 UNIFORM GRANT GUIDANCE POLICY REGARDING FEDERAL REVENUE SOURCES

***[Note: School districts are required by the federal Uniform Grant Guidance regulations, 2 Code of Federal Regulations Part 200, to have the policies which establish uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities including school districts. In June 2018, the United States Office of Management and Budget increased the threshold dollar amounts for both simplified acquisition costs (\$250,000) and micro-purchases (\$10,000).]***

### I. PURPOSE

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

### II. DEFINITIONS

#### A. Grants

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

***[Note: All of the requirements outlined in this policy apply to both direct grants and state-administered grants.]***

- B. “Non-federal entity” means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.
- C. “Federal award” has the meaning, depending on the context, in either paragraph 1. or 2. of this definition:
  1. a. The federal financial assistance that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations section 200.101 (Applicability); or

- b. The cost-reimbursement contract under the federal Acquisition Regulations that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations section 200.101 (Applicability).
  - 2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of 2 Code of Federal Regulations. section 200.40 (Federal Financial Assistance), or the cost-reimbursement contract awarded under the federal Acquisition Regulations.
  - 3. “Federal award” does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal-government-owned, contractor-operated facilities.
- D. “Contract” means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term, as used in 2 Code of Federal Regulations Part 200, does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward.

E. Procurement Methods

- 1. “Procurement by micro-purchase” is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (generally \$10,000, except as otherwise discussed in 48 Code of Federal Regulations. Subpart 2.1 or as periodically adjusted for inflation).

**[Note: Minnesota school districts may choose to increase their federal micro-purchase threshold to \$25,000, which would align with the Minnesota limit. School districts choosing to adopt this increase must annually certify the higher threshold and the justification for using the higher threshold. Acceptable reasons for justification must meet *one* of the following criteria: (1) a qualification as a low-risk auditee, in accordance with the criteria established in 2 Code of Federal Regulations section 200.520; (2) an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or (3) a higher threshold consistent with state law.]**

- 2. “Procurement by small purchase procedures” are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$250,000 (periodically adjusted for inflation).
- 3. “Procurement by sealed bids (formal advertising)” is a publicly solicited and a firm, fixed-price contract (lump sum or unit price) awarded to the

responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.

4. "Procurement by competitive proposals" is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids.
  5. "Procurement by noncompetitive proposals" is procurement through solicitation of a proposal from only one source.
- F. "Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$5,000.
  - G. "Compensation for personal services" includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the federal award, including, but not necessarily limited to, wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in 2 Code of Federal Regulations section 200.431 (Compensation - Fringe Benefits).
  - H. "Post-retirement health plans" refer to costs of health insurance or health services not included in a pension plan covered by 2 Code of Federal Regulations section 200.431(g) for retirees and their spouses, dependents, and survivors.
  - I. "Severance pay" is a payment in addition to regular salaries and wages by the non-federal entities to workers whose employment is being terminated.
  - J. "Direct costs" are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.
  - K. "Relocation costs" are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period not less than 12 months) of an existing employee or upon recruitment of a new employee.
  - L. "Travel costs" are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the school district.

### **III. CONFLICT OF INTEREST**

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

#### **IV. ACCEPTABLE METHODS OF PROCUREMENT**

- A. General Procurement Standards. The school district must use its own documented procurement procedures which reflect applicable state laws, provided that the procurements conform to the applicable federal law and the standards identified in the Uniform Grant Guidance.
- B. The school district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- C. The school district's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
- D. The school district must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- E. The school district must maintain records sufficient to detail the history of

procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement; selection of the contract type; contractor selection or rejection; and the basis for the contract price.

- F. The school district alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the school district of any contractual responsibilities under its contracts.
- G. The school district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- H. Methods of Procurement. The school district must use one of the following methods of procurement:
  - 1. Procurement by micro-purchases. To the extent practicable, the school district must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the school district considers the price to be reasonable.
  - 2. Procurement by small purchase procedures. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
  - 3. Procurement by sealed bids (formal advertising).
  - 4. Procurement by competitive proposals. If this method is used, the following requirements apply:
    - a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
    - b. Proposals must be solicited from an adequate number of qualified sources;<sup>[1]</sup><sub>[SEP]</sub>
    - c. The school district must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;<sup>[1]</sup><sub>[SEP]</sub>
    - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
    - e. The school district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services

whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor can only be used in procurement of A/E professional services; it cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.

5. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:
  - a. The item is available only from a single source;
  - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - c. The DOE or MDE expressly authorizes noncompetitive proposals in response to a written request from the school district; or
  - d. After solicitation of a number of sources, competition is determined inadequate.

I. Competition. The school district must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When making a clear and accurate description of the technical requirements is impractical or uneconomical, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

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

## V. **MANAGING EQUIPMENT AND SAFEGUARDING ASSETS**

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

The school district must adhere to the requirements concerning real property, equipment, supplies, and intangible property set forth in 2 Code of Federal Regulations sections 200.311, 200.314, and 200.315.

- B. Equipment

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

1. Property records must be maintained that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to keep property in good condition.
5. If the school district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

## VI. FINANCIAL MANAGEMENT REQUIREMENTS

A. Financial Management. The school district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.

B. Payment. The school district must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement between the school district and the financial management systems that meet the standards for fund control.

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

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

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

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

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

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

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

- A. Allowable Use of Funds. The school district administration and board will enforce appropriate procedures and penalties for program, compliance, and accounting staff responsible for the allocation of federal grant costs based on their allowability and their conformity with federal cost principles to determine the allowability of costs.
- B. Definitions
1. "Allowable cost" means a cost that complies with all legal requirements that apply to a particular federal education program, including statutes, regulations, guidance, applications, and approved grant awards.
  2. "Education Department General Administrative Regulations (EDGAR)" means a compilation of regulations that apply to federal education programs. These regulations contain important rules governing the administration of federal education programs and include rules affecting the allowable use of federal funds (including rules regarding allowable costs, the period of availability of federal awards, documentation requirements, and grants management requirements). EDGAR can be accessed at: <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.
  3. "Omni Circular" or "2 Code of Federal Regulations Part 200s" or "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" means federal cost principles that provide standards for determining whether costs may be charged to federal grants.
  4. "Advance payment" means a payment that a federal awarding agency or passthrough entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-federal entity disburses the funds for program purposes.

- C. Allowable Costs. The following items are costs that may be allowable under the 2 Code of Federal Regulations Part 200s under specific conditions:
1. Advisory councils;
  2. Audit costs and related services;
  3. Bonding costs;
  4. Communication costs;
  5. Compensation for personal services;
  6. Depreciation and use allowances;
  7. Employee morale, health, and welfare costs;
  8. Equipment and other capital expenditures;
  9. Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of federal programs;
  10. Insurance and indemnification;
  11. Maintenance, operations, and repairs;
  12. Materials and supplies costs;
  13. Meetings and conferences;
  14. Memberships, subscriptions, and professional activity costs;
  15. Security costs;
  16. Professional service costs;
  17. Proposal costs;
  18. Publication and printing costs;
  19. Rearrangement and alteration costs;
  20. Rental costs of building and equipment;
  21. Training costs; and
  22. Travel costs.
- D. Costs Forbidden by Federal Law. 2 Code of Federal Regulation Part 200s and EDGAR identify certain costs that may never be paid with federal funds. The following list provides examples of such costs. If a cost is on this list, it

may not be supported with federal funds. The fact that a cost is not on this list does not mean it is necessarily permissible. Other important restrictions apply to federal funds, such as those items detailed in the 2 Code of Federal Regulations Part 200s; thus, the following list is not exhaustive:

1. Advertising and public relations costs (with limited exceptions), including promotional items and memorabilia, models, gifts, and souvenirs;
2. Alcoholic beverages;
3. Bad debts;
4. Contingency provisions (with limited exceptions);
5. Fundraising and investment management costs (with limited exceptions);
6. Donations;
7. Contributions;
8. Entertainment (amusement, diversion, and social activities and any associated costs);
9. Fines and penalties;
10. General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs));
11. Goods or services for personal use;
12. Interest, except interest specifically stated in 2 Code of Federal Regulations 200.441 as allowable;
13. Religious use;
14. The acquisition of real property (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs);
15. Construction (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs); and
16. Tuition charged or fees collected from students applied toward meeting matching, cost sharing, or maintenance of effort requirements of a program.

E. Program Allowability

1. Any cost paid with federal education funds must be permissible under

the federal program that would support the cost.

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

F. Federal Cost Principles

1. The Omni Circular defines the parameters for the permissible uses of federal funds. While many requirements are contained in the Omni Circular, it includes five core principles that serve as an important guide for effective grant management. These core principles require all costs to be:
  - a. Necessary for the proper and efficient performance or administration of the program.
  - b. Reasonable. An outside observer should clearly understand why a decision to spend money on a specific cost made sense in light of the cost, needs, and requirements of the program.
  - c. Allocable to the federal program that paid for the cost. A program must benefit in proportion to the amount charged to the federal program – for example, if a teacher is paid 50% with Title I funds, the teacher must work with the Title I program/students at least 50% of the time. Recipients also need to be able to track items or services purchased with federal funds so they can prove they were used for federal program purposes.
  - d. Authorized under state and local rules. All actions carried out with federal funds must be authorized and not prohibited by state and local laws and policies.
  - e. Adequately documented. A recipient must maintain proper documentation so as to provide evidence to monitors, auditors, or other oversight entities of how the funds were spent over the lifecycle of the grant.

G. Program Specific Fiscal Rules. The Omni Circular also contains specific rules on selected items of costs. Costs must comply with these rules in order to be paid with federal funds.

1. All federal education programs have certain program specific fiscal rules that apply. Determining which rules apply depends on the program; however, rules such as supplement, not supplant, maintenance of effort, comparability, caps on certain uses of funds, etc., have an important impact when analyzing whether a particular cost is permissible.
2. Many state-administered programs require local education agencies (LEAs) to use federal program funds to supplement the amount of state, local, and, in some cases, other federal funds they spend on education costs and not to supplant (or replace) those funds. Generally, the “supplement, not supplant” provision means that federal funds must be used to supplement the level of funds from non-federal sources by providing additional services, staff, programs, or materials. In other words, federal funds normally cannot be used to pay for things that would otherwise be paid for with state or local funds (and, in some cases, with other federal funds).
3. Auditors generally presume supplanting has occurred in three situations:
  - a. School district uses federal funds to provide services that the school district is required to make available under other federal, state, or local laws.
  - b. School district uses federal funds to provide services that the school district provided with state or local funds in the prior year.
  - c. School district uses Title I, Part A, or Migrant Education Program funds to provide the same services to Title I or Migrant students that the school district provides with state or local funds to nonparticipating students.
4. These presumptions apply differently in different federal programs and also in schoolwide program schools. Staff should be familiar with the supplement not supplant provisions applicable to their program.

H. Approved Plans, Budgets, and Special Conditions

1. As required by the Omni Circular, all costs must be consistent with approved program plans and budgets.
2. Costs must also be consistent with all terms and conditions of federal awards, including any special conditions imposed on the school district’s grants.

I. Training

1. The school district will provide training on the allowable use of federal funds to all staff involved in federal programs.
2. The school district will promote coordination between all staff involved in federal programs through activities, such as routine staff meetings and training sessions.

J. Employee Sanctions. Any school district employee who violates this policy will be subject to discipline, as appropriate, up to and including the termination of employment.

**VIII. COMPENSATION – PERSONAL SERVICES EXPENSES AND REPORTING**

A. Compensation – Personal Services

Costs of compensation are allowable to the extent that they satisfy the specific requirements of the Uniform Grant Guidance and that the total compensation for individual employees:

1. Is reasonable for the services rendered and conforms to the established written policy of the school district consistently applied to both federal and non-federal activities; and
2. Follows an appointment made in accordance with a school district's written policies and meets the requirements of federal statute, where applicable.

Unless an arrangement is specifically authorized by a federal awarding agency, a school district must follow its written non-federal, entity-wide policies and practices concerning the permissible extent of professional services that can be provided outside the school district for non-organizational compensation.

B. Compensation – Fringe Benefits

1. During leave.

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

- a. They are provided under established written leave policies;
- b. The costs are equitably allocated to all related activities,

including federal awards; and

- c. The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the school district.
2. The costs of fringe benefits in the form of employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in 2 Code of Federal Regulations section 200.447(d)); pension plan costs; and other similar benefits are allowable, provided such benefits are granted under established written policies. Such benefits must be allocated to federal awards and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to such federal awards and other activities and charged as direct or indirect costs in accordance with the school district's accounting practices.
  3. Actual claims paid to or on behalf of employees or former employees for workers' compensation, unemployment compensation, severance pay, and similar employee benefits (e.g., post-retirement health benefits) are allowable in the year of payment provided that the school district follows a consistent costing policy.
  4. Pension plan costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with the written policies of the school district.
  5. Post-retirement costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the school district.
  6. Costs of severance pay are allowable only to the extent that, in each case, severance pay is required by law; employer-employee agreement; established policy that constitutes, in effect, an implied agreement on the school district's part; or circumstances of the particular employment.
- C. Insurance and Indemnification. Types and extent and cost of coverage are in accordance with the school district's policy and sound business practice.
- D. Recruiting Costs. Short-term, travel visa costs (as opposed to longer-term, immigration visas) may be directly charged to a federal award, so long as they are:
1. Critical and necessary for the conduct of the project;
  2. Allowable under the cost principles set forth in the Uniform Grant

Guidance;

3. Consistent with the school district's cost accounting practices and school district policy; and
  4. Meeting the definition of "direct cost" in the applicable cost principles of the Uniform Grant Guidance.
- E. Relocation Costs of Employees. Relocation costs are allowable, subject to the limitations described below, provided that reimbursement to the employee is in accordance with the school district's reimbursement policy.
- F. Travel Costs. Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the school district's non-federally funded activities and in accordance with the school district's reimbursement policies.

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

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

1. Participation of the individual is necessary to the federal award; and
2. The costs are reasonable and consistent with the school district's established travel policy.

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

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

***[Note: Noncompliance. If a school district fails to comply with federal statutes, regulations, or the terms and conditions of a federal award, the DOE or MDE may impose additional conditions, as described in 2 Code of Federal Regulations section 200.208 (Specific Conditions). If the DOE or MDE determines that noncompliance***

*cannot be remedied by imposing additional conditions, the DOE or MDE may take one or more of the following actions, as appropriate under the circumstances: 1) Temporarily withhold cash payments pending correction of the deficiency by the school district or more severe enforcement action by the DOE or MDE; 2) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance; 3) Wholly or partly suspend or terminate the federal award; 4) Initiate suspension or debarment proceedings as authorized under 2 Code of Federal Regulations, Part 180 and DOE regulations (or, in the case of MDE, recommend such a proceeding be initiated by the DOE); 5) Withhold further federal awards for the project or program; and/or 6) Take other remedies that may be legally available.]*

**Legal References:** 2 C.F.R. § 200.12 (Definitions:Capital Assets)  
2 C.F.R. § 200.112 (Conflict of Interest)  
2 C.F.R. § 200.113 (Mandatory Disclosures)  
2 C.F.R. § 200.205(d) (Federal Awarding Agency Review of Risk  
Posed by Applicants)  
2 C.F.R. § 200.214 (Suspension and Debarment)  
2 C.F.R. § 200.300(b) (Statutory and National Policy Requirements)  
2 C.F.R. § 200.302 (Financial Management)  
2 C.F.R. § 200.303 (Internal Controls)  
2 C.F.R. § 200.305(b)(1) (Federal Payment)  
2 C.F.R. § 200.310 (Insurance Coverage)  
2 C.F.R. § 200.311 (Federally-owned and Exempt Property)  
2 C.F.R. § 200.313(d) (Equipment)  
2 C.F.R. § 200.314 (Supplies)  
2 C.F.R. § 200.315 (Intangible Property)  
2 C.F.R. § 200.318 (General Procurement Standards)  
2 C.F.R. § 200.319(c) (Competition)  
2 C.F.R. § 200.320 (Methods of Procurement to be Followed)  
2 C.F.R. § 200.321 (Contracting with Small and Minority Businesses,  
Women’s Business Enterprises, and Labor Surplus Area Firms)  
2 C.F.R. § 200.328 (Financial Reporting)  
2 C.F.R. § 200.339  
2 C.F.R. § 200.403(c) (Factors Affecting Allowability of Costs)  
2 C.F.R. § 200.430 (Compensation – Personal Services)  
2 C.F.R. § 200.431 (Compensation – Fringe Benefits)  
2 C.F.R. § 200.447 (Insurance and Indemnification)  
2 C.F.R. § 200.463 (Recruiting Costs)  
2 C.F.R. § 200.464 (Relocation Costs of Employees)  
2 C.F.R. § 200.474 (Transportation Costs)  
2 C.F.R. § 200.475 (Travel Costs)

**Cross References:** MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)  
MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)  
MSBA/MASA Model Policy 210.1 (Conflict of Interest – Charter School

Board Members)

MSBA/MASA Model Policy 412 (Expense Reimbursement)

MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)

MSBA/MASA Model Policy 701.1 (Modification of School District Budget)

MSBA/MASA Model Policy 702 (Accounting)

MSBA/MASA Model Policy 703 (Annual Audit)

## 722 PUBLIC AND DATA SUBJECT REQUESTS

***[Note: School districts are required by statute to establish procedures consistent with the Minnesota Government Data Practices Act for public data requests and data subject requests.]***

### I. PURPOSE

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

### II. GENERAL STATEMENT OF POLICY

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

### III. DEFINITIONS

#### A. Confidential Data on Individuals

Data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.

#### B. Data on Individuals

All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

#### C. Data Practices Compliance Officer

The data practices compliance official is the designated employee of the school district to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The responsible authority may be the data practices compliance official.

#### D. Government Data

All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.

#### E. Individual

"Individual" means a natural person. In the case of a minor or an incapacitated person as defined in Minnesota Statutes section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the

responsible authority determines that withholding the data would be in the best interest of the minor.

F. Inspection

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

G. Not Public Data

Any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

H. Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

I. Private Data on Individuals

Data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.

J. Protected Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

K. Public Data

All government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

L. Public Data Not on Individuals

Data accessible to the public pursuant to Minnesota Statutes section 13.03.

M. Public Data on Individuals

Data accessible to the public in accordance with the provisions of section 13.03.

N. Responsible Authority

The individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.

O. Summary Data

Statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable. Unless classified pursuant to Minnesota Statutes section 13.06, another statute, or federal law, summary data is public.

**IV. REQUESTS FOR PUBLIC DATA**

A. All requests for public data must be made in writing directed to the responsible authority.

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

a. Date the request is made;

b. A clear description of the data requested;

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

- d. Method to contact the requestor (such as phone number, address, or email address).
  2. Unless specifically authorized by statute, the school district may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.
  3. The identity of the requestor is public, if provided, but cannot be required by the government entity.
  4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- B. The responsible authority will respond to a data request at reasonable times and places as follows:
  1. The responsible authority will notify the requestor in writing as follows:
    - a. The requested data does not exist; or
    - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or
      - (1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
      - (2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
    - c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.
  2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
  3. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
  4. The school district is not required by the MGDPA to create or collect new data in

response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.

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

## **V. REQUEST FOR SUMMARY DATA**

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

1. A request for the preparation of summary data must include the following information:
  - a. Date the request is made;
  - b. A clear description of the data requested;
  - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
  - d. Method to contact requestor (phone number, address, or email address).

B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:

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

C. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

## **VI. DATA BY AN INDIVIDUAL DATA SUBJECT**

A. Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.

B. Private or confidential data on an individual shall not be collected, stored, used, or disseminated by the school district for any purposes other than those stated to the individual at the time of collection in accordance with Minnesota Statutes section 13.04, except as provided in Minnesota Statutes section 13.05, subdivision 4.

C. Upon request to the responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on

individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data.

D. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.

E. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

F. The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

G. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

H. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by Minnesota Statutes chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

I. Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of Minnesota Statutes section 138.17.

J. After completing, correcting, or destroying successfully challenged data, the school district may retain a copy of the commissioner of administration's order issued under Minnesota Statutes chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

## **VII. REQUESTS FOR DATA BY AN INDIVIDUAL SUBJECT OF THE DATA**

A. All requests for individual subject data must be made in writing directed to the responsible authority.

B. A request for individual subject data must include the following information:

1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
2. Date the request is made;
3. A clear description of the data requested;
4. Proof that the individual is the data subject or the data subject's parent or guardian;
5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and

6. Method to contact the requestor (such as phone number, address, or email address).

C. The identity of the requestor of private data is private.

D. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.

E. Policy 515 (Protection and Privacy of Pupil Records) addresses requests of students or their parents for educational records and data.

## VIII. COSTS

### A. Public Data

1. The school district will charge for copies provided as follows:

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

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

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

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

2. All charges must be paid for [in cash or by check] in advance of receiving the copies.

**[Note: the district should identify the payment methods that it will accept.]**

### B. Summary Data

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.

2. The school district may assess costs associated with the preparation of summary data as follows:

a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;

b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

### C. Data Belonging to an Individual Subject

1. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

The responsible authority shall not charge the data subject any fee in those instances where the data subject only desires to view private data.

The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies. Based on the factors set forth in Minnesota Rule 1205.0300, subpart 4, the school district determines that a reasonable fee would be the charges set forth in section VIII.A of this policy that apply to requests for data by the public.

2. The school district may not charge a fee to search for or to retrieve educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority.

## **IX. Annual Review and Posting**

A. The responsible authority shall prepare a written data access policy and a written policy for the rights of data subjects (including specific procedures the school district uses for access by the data subject to public or private data on individuals). The responsible authority shall update the policies no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.

B. Copies of the policies shall be easily available to the public by distributing free copies to the public or by posting the policies in a conspicuous place within the school district that is easily accessible to the public or by posting them on the school district's website.

### **Data Practices Contacts**

#### **Responsible Authority:**

[Name]

[Location]

[Phone number; email address]

#### **Data Practices Compliance Official:**

[Name]

[Location]

[Phone number; email address]

#### **Data Practices Designee(s):**

[Name]

[Location]

[Phone number; email address]

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 13.01 (Government Data)

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.025 (Government Entity

Obligation)

Minn. Stat. § 13.03 (Access to Government Data)

Minn. Stat. § 13.04 (Rights of Subjects to Data)  
Minn. Stat. § 13.05 (Duties of Responsible Authority)  
Minn. Stat. § 13.32 (Educational Data)  
Minn. Rules Part 1205.0300 (Access to Public Data)  
Minn. Rules Part 1205.0400 (Access to Private Data)

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

Adopted: 2023  
Revised:  
Reviewed:  
Next Review: Tri-Annual

**405 VETERAN'S PREFERENCE**

***[Note: The provisions of this policy substantially reflect legal requirements.]***

**I. PURPOSE**

The purpose of this policy is to comply with the Minnesota Veterans Preference Act (VPA) which provides preference points for veterans applying for employment with political subdivisions, including school districts, as well as additional rights for veterans in the discharge process.

**II. GENERAL STATEMENT OF POLICY**

- A. The school district's policy is to comply with the VPA regarding veteran's preference rights and mandated preference points to veterans and spouses of deceased veterans or disabled veterans.
- B. The school district's policy is also to comply with the VPA requirement that no covered veteran may be removed from public employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges, and in writing. This paragraph does not apply to the position of teacher.
- C. Veteran's preference points will be applied pursuant to applicable law as follows:
  - 1. A credit of ten points shall be added to the competitive open examination rating of a non-disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
  - 2. A credit of fifteen points shall be added to the competitive open examination rating of a disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
  - 3. A credit of five points shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, provided that (a) the veteran obtained a passing rating on the examination without the addition of the credit points and (b) the veteran is applying for a first promotion after securing public employment.
  - 4. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.
- D. Eligibility for and application of veteran's preference, the definition of a veteran, and the definition of a disabled veteran for purposes of this policy will be pursuant to the VPA.
- E. When notifying applicants that they have been accepted into the selection process, the school district shall notify applicants that they may elect to use veteran's preference.
- F. The school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points. The school district may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling

a teaching position, preference points will not be added, but all veteran applicants who have proper licensure for the teaching position will be granted an interview for the position.

- G. If the school district rejects a member of the finalist pool who has claimed veteran's preference, the school district shall notify the finalist in writing of the reasons for the rejection and file the notice with the school district's personnel officer.

***[Note: A school district may require a veteran to complete an initial hiring probationary period as defined in Minnesota Statutes section 43A.16.]***

- H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.

1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.

- I. The VPA and the provisions of this policy do not apply to the position of private secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the school board or school district. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process, as set forth in Paragraph F., above.

**Legal References:** Minn. Stat. § 43A.11 (Veteran's Preference)  
Minn. Stat. § 197.455 (Veteran's Preference Applied)  
Minn. Stat. § 197.46 (Veterans Preference Act)  
*Hall v. City of Champlin*, 463 N.W.2d 502 (Minn. 1990)  
*Young v. City of Duluth*, 410 N.W.2d 27 (Minn. Ct. App. 1987)

**Cross References:** MSBA/MASA Model Policy 401 (Equal Employment Opportunity)

## **414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE**

***[Note: This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.]***

### **I. PURPOSE**

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

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

- A. The policy of the school district is to fully comply with Minnesota Statutes chapter 206E requiring school personnel to report suspected child neglect or physical or sexual abuse.
- 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.

### **III. DEFINITIONS**

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
  - 1. is not likely to occur and could not have been prevented by exercise of due care; and
  - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18 and, for purposes of Minnesota Statute chapter 260C (Juvenile) and Minnesota Statute 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 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:
1. 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.
  2. 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;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care the child's own basic needs or safety or the basic needs or safety of another child in his or her care;
  4. 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;
  5. 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, or 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;
  6. medical neglect as defined by Minnesota Statutes section 260C.007, subdivision 6, clause (5);
  7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
  8. 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 Minn. Rules Ch. 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 supervision 13), or threatened injury (under supervision 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 which 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 giving the child 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 Statute 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 Statute 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 neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, 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 Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 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 which 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 which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).

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.

#### **IV. 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.

***[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]***

## V. 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 will 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 perpetrator 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 Statute chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code section 1232g.

#### **VI. 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.

#### **VII. 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.

#### **VIII. 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.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)  
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)  
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)  
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)  
Minn. Stat. CH 26E (Reporting Of Maltreatment of Minors)  
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)  
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)  
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)  
Minn. Stat. § 609.379 (Reasonable Force)  
Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)

**Cross References:** MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

## **415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS**

***[Note: This policy reflects the mandatory law regarding reporting maltreatment of vulnerable adults and is not discretionary in nature.]***

### **I. PURPOSE**

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

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

- A. The policy of the school district is to comply fully with Minnesota Statute section 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. 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.

### **III. DEFINITIONS**

#### **III. DEFINITIONS**

- A. "Abuse" means:

- 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual

conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.

3. Any sexual contact or penetration as defined in Minn. Stat. § 609.341 between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subd. 2.

B. "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.

C. “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).

D. “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.

#### **IV. 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 reporter 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 Statute 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 a 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.

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

**Legal References:** Minn. Stat. § 13.02 (Government Data Practices; Definitions)  
 Minn. Stat. Ch. 245A (Human Services Licensing)  
 Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
 Minn. Stat. §§ 609.221-609.224 (Assault)  
 Minn. Stat. § 609.232 (Crimes Against Vulnerable Adults; Definitions)

Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
*In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

**Cross References:** MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

## 416 DRUG AND ALCOHOL TESTING

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

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minnesota Statutes section 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minnesota Statutes section 181.950-181.957.

- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, or not whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs that are not medically prescribed, including medical cannabis, regardless of whether or not it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs that are not medically prescribed are prohibited from entering or remaining on school district property.
- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline that includes, but is not limited to, immediate suspension without pay and immediate discharge.

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

#### **A. General Statement of Policy**

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

#### **B. Definitions**

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.

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

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

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

testing, and aftercare.

C. Policy and Educational Materials

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

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

***[Note: The federal regulations require a school district to obtain a signed statement from each driver certifying that he or she has received a copy of these materials. 49 C.F.R. § 382.601(d). The original signed certificate must be maintained by the school district and a copy may be provided to the driver.]***

D. Alcohol and Controlled Substances Testing Program Manager

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

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

E. Specific Prohibitions for Drivers

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

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance

includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.

8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district that prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

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

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

G. Prescription Drugs/Cannabinoid Products

A driver shall inform the driver's supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for marijuana. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

H. Testing Requirements

**[Note: School districts must utilize the U.S. DOT Drug & Alcohol Clearinghouse ("Clearinghouse") to conduct pre-employment queries, annual queries, and reports regarding**

**CDL holders who operate CMVs on public roads (including school bus drivers) and who are covered by the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Program. In addition to utilizing the Clearinghouse, school districts must continue to comply with the alcohol and controlled substance testing required under Title 49 of the Federal Regulations.]**

1. Pre-Employment Testing

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

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

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

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

***[Note: The Federal regulations require school districts to inquire about, obtain, and review alcohol and controlled substances information from prior employers pursuant to a driver's written authorization, prior to the time a driver performs safety-sensitive functions, if feasible. 49 Code of Federal Regulations section 382.413 and 49 Code of Federal Regulations section 40.25. If not feasible, school districts must not permit the employee to perform safety-sensitive functions for more than thirty (30) days from the date a safety-sensitive function was performed unless the school districts make good faith efforts to obtain the information and to make a***

***record of those efforts to be retained in the driver's qualification file.]***

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

2. Post-Accident Testing

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

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.

- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

3. Random Testing

***[Note: 49 Code of Federal Regulations section 382.305 governs random testing of drivers.]***

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

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

- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made.

- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

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

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty or just after the period of the work day. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results

of the drug test are released, whichever is earlier.

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

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

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

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

7. Refusal to Submit and Attendant Consequences

***[Note: Consequences for refusals to submit to required drug and alcohol tests are addressed generally in 49 Code of Federal Regulations section 40.191, 40.261, and 382.211. They are more specifically addressed in 49 Code of Federal Regulations sections 382.501-382.507 and in 49 United States Code section 521(b).]***

- a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
- b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 United States Code section 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
- c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.

- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

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

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to

discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.

- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.
- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
  - (1) The donor expressly declines the opportunity to discuss the test results;
  - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
  - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

## 2. Alcohol Testing

***[Note: The DOT Alcohol Testing Form (ATF) must be used for every***

**DOT alcohol test. 49 Code of Federal Regulations section 40.225]**

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

**J. Driver/Driver Applicant Rights**

1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver’s or driver applicant’s expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.

***[Note: The limitation on discharge in Paragraph 2., below, is contained solely in Minnesota law. State law is preempted by federal laws and regulations as it relates to drivers of commercial motor vehicles (such as bus drivers). See Minnesota Statutes section 221.031, Subd. 10. Nevertheless, school districts may decide to comply with the state law requirements for various reasons (such as to treat all school district employees equally since employees subject to testing only under state law are accorded these additional rights). Consultation with the school district’s legal counsel is recommended.]***

2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
  - a. The school district has first given the employee an opportunity to

participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and

- b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
- c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be [***name, address, telephone number***], which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minnesota Statutes Chapter 13. Any information concerning the individual's test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

- 1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

***[Note: The federal recordkeeping requirements for school districts are detailed in the federal regulations 49 Code of Federal Regulations sections 382.401 et seq. and 40.331. The DOT publishes a guide to the recordkeeping requirements of mandatory drug and alcohol testing for persons with a commercial driver's license as part of its Alcohol & Drugs: DOT Compliance Manual.]***

- 2. The required records shall be retained for the following minimum periods:

Basic records	5 years
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"Basic records" includes records of: (a) alcohol test results with

concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
ALcohol and controlled substance collection procedures	2 years
Negative and cancelled controlled substance tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

“Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

### 3. Personal Information

Personal information about all individuals who undergo any required testing under this policy will be shared with the U.S. DOT Drug & Alcohol Clearinghouse (“Clearinghouse”) as required under federal law, including:

- a. The name of the person tested;
- b. Any verified positive, adulterated, or substituted drug test result;
- c. Any alcohol confirmation test with a BAC concentration of .04 or higher;
- d. Any refusal to submit to any test required hereunder;
- e. Any report by a supervisor of actual knowledge of use follows

- i. Any on-duty alcohol use;
  - ii. Any pre-duty alcohol use;
  - iii. Any alcohol use following an accident; and
  - iv. Any controlled substance use.
- f. Any report from a substance abuse professional certifying successful completion of the return-to-work process;
- g. Any negative return-to-duty test; and
- h. Any employer's report of completion of follow-up testing.

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
  - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.

***[Note: Subparagraphs b. and c., below, are based on the provisions of 49 Code of Federal Regulations section 40.289.]***

- b. If the school district offers a driver an opportunity to return to a DOT

safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.

***[Note: School districts are not required to comply with state law governing drug and alcohol testing when the individuals are subject to the federal laws and regulations (i.e., bus drivers). If a school district, after consultation with legal counsel, chooses to comply voluntarily with these requirements, Subparagraph b., above, can be modified as follows:***

***b. The school district will offer a driver an opportunity to return to a DOT safety-sensitive duty following an employee's first positive test result on a confirmatory test if no reasons independent of the first test result for discharge exist. Otherwise, the school district may choose, but is not required, to provide an SAP evaluation or any subsequent recommended education or treatment.]***

- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

### 3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minnesota Statute sections 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of “other employees” covered by Section IV. of this policy.

***[Note: When the testing of drivers complies with federal testing requirements and procedures, school districts clearly are exempt from the state drug and alcohol testing requirements in Minnesota Statutes sections 181.950-181.957. See Minnesota Statutes section 221.031, Subd. 10. When testing beyond the federally mandated requirements, however, school districts still must comply with state law.]***

Q. *Report to Clearinghouse*

*The school district shall promptly submit to the Clearinghouse any record generated of an individual who refuses to take an alcohol or controlled substance test required under Title 49, Code of Federal Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or any subsequent corresponding regulations).*

R. *Annual Clearinghouse Query*

1. *The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver’s consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearinghouse but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver’s Clearinghouse record contains*

*no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulations. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations 382.701.*

*2 The school district may not access an individual's Clearinghouse record unless the school district (1) obtains the individual's prior written or electronic consent for access to the record; and (2) submits proof of the individual's consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain for three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.*

*3. The school district shall protect the individual's privacy and confidentiality of each Clearinghouse record it receives. The school district shall ensure that information contained in a Clearinghouse record is not divulged to a person or entity not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a CMV for the school district.*

*4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.*

#### **IV. DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES**

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Section III. of this policy.) If a school bus driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Section IV. of this policy will be applicable to such testing.

A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:

1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory that meets one of the criteria listed in Minnesota. Statute section 181.953, subdivision 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Job Applicant Testing

The school district may request or require any job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer which is contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

3. Random Testing

The school district may request or require employees to undergo drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

4. Reasonable Suspicion Testing

The school district may request or require any employee to undergo drug and alcohol testing if the school district has a reasonable suspicion that the employee:

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;

- c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

The school district may request or require any employee to undergo drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

6. Routine Physical Examination Testing

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks' written notice that a drug or alcohol test may be requested or required as part of the physical examination.

B. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

C. Definitions

- 1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.
- 2. "Drug and Alcohol Testing," "Drug or Alcohol Testing," and "Drug or Alcohol Test" mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- 3. "Other Employees" means any persons, independent contractors, or

persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."

4. "Job Applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.).
5. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes section 181.953, subdivision. 1.
6. "Random Selection Basis" means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
7. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

D. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver's license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of Section IV D.

2. Consequences of an Employee's Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver's license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant's Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial driver's license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, the school district shall provide the employee or job applicant with a Pretest Notice in the form of Attachment D to this policy on which to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test.

4. Notice of and Right to Explain Positive Test Result

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.
- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.
- d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for marijuana. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.
- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota Statutes section 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the

same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform the individual of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments E and F to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

F. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver's License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
  - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the

same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in the individual's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

G. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver's License

If a job applicant has received a job offer made contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

H. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view

of, or must be placed in a secure area by a person authorized to handle the sample;

3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minnesota Statute Chapter 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment G to this policy.

## V. POSTING

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. Ch. 43A (State Personnel Management)

Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)

Minn. Stat. § 152.01 (Definitions)

Minn. Stat. § 152.22 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis)

Minn. Stat. § 152.32 (Protections for Registry Program Participation)

Minn. Stat. § 176.011, subd. 16 (Definitions; Personal Injury)

Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)

Minn. Stat. § 221.031 (Motor Carrier Rules)

49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)

49 U.S.C. 31306a (National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators)

49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)

49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

**Cross-References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

## **417 CHEMICAL USE AND ABUSE**

*[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]*

### **I. PURPOSE**

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

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

A. Use or possession of controlled substances, toxic substance, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.

B. The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.

C. Every school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

D. The school district shall establish a drug-free awareness program for its employees. .

***[Note: School districts are required to establish a drug-free awareness program for school district employees pursuant to the Drug-Free Workplace Act. In addition,***

***state law requires that the written districtwide school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, school districts are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law.]***

### **III. DEFINITIONS**

A. “Chemical abuse,” as applied to students, means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor’s normal function in academic, school, or social activities is chronically impaired.

B. “Controlled substances,” as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.

C. “Drug prevention” means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.

D. “Teacher” means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians,

counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

#### **IV. STUDENTS**

##### **A. Districtwide School Discipline Policy**

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the districtwide school student discipline policy.

##### **B. Programs and Activities**

1. The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes.

2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

##### **C. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance**

1. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.

***[Note: School districts are not required to participate in a chemical abuse program or establish a chemical abuse preassessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse preassessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]***

2. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40-121A.56, and proposed for expulsion.

3. Searches by school district officials in connection with the use, possession, or transfer of alcohol or a controlled substance will be conducted in accordance with school board policies related to search and seizure.

4. Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

D. Preassessment Team

1. Every school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team designated by the superintendent or designee. The team must be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.

2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

E. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section 13.32 and applicable federal law and regulations.

2. Destruction of Records

a. If the preassessment team decides not to provide a

student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.

b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.

c. Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding Minnesota Statutes section 138.163 (Preservation and Disposal of Public Records).

#### F. Consent

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

***[Note: State law permits schools to provide these services to minor students without the consent of a parent. If, however, a school district provides these or other services pursuant to a grant received under the Student Support and Academic Enrichment Grants law, this funding could be jeopardized if the requirements of federal law, to obtain prior written, informed consent from the parent of each child who is under 18 years of age is not obtained.]***

## V. EMPLOYEES

A. The school district shall establish a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace.
2. The school district's policy of maintaining a drug-free workplace.
3. Available drug counseling, rehabilitation, and employee assistance programs.
4. The penalties that may be imposed on employees for drug abuse violations.

B. The school district shall notify a federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)

Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)

Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 124D.695 (Approved Recovery Program Funding)

Minn. Stat. § 126C.44 (Safe Schools Levy)

Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)

Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

Minn. Stat. § 152.01 (Definitions)

Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)

Minn. Stat. § 152.22 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis) Minn. Stat. § 299A.33 (DARE Program)

Minn. Stat. § 466.07, subd. 1 (Indemnification Required)

Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses; Minimum Fines)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment Grants)

20 U.S.C. § 5812 (National Education Goals)

20 U.S.C. § 7175 (Local Activities)

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)

34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)

MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)

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

MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks,

Personal Possessions, and Student's Person)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, A. Use or possession of controlled substances, toxic substance, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.

B. The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.

C. Every school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

D. The school district shall establish a drug-free awareness program for its employees. .

***[Note: School districts are required to establish a drug-free awareness program for school district employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written districtwide school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, school districts are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law.]***

### III. DEFINITIONS

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B. “Controlled substances,” as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.

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D. “Teacher” means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

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2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

C. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance

1. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.

***[Note: School districts are not required to participate in a chemical abuse program or establish a chemical abuse***

***preassessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse preassessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]***

2. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40-121A.56, and proposed for expulsion.

3. Searches by school district officials in connection with the use, possession, or transfer of alcohol or a controlled substance will be conducted in accordance with school board policies related to search and seizure.

4. Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

D. Preassessment Team

1. Every school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team designated by the superintendent or designee. The team must be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these

duties to a designated school district employee.

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

E. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section 13.32 and applicable federal law and regulations.

2. Destruction of Records

a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.

b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months

after the student is no longer enrolled in the district.

c. Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding Minnesota Statutes section 138.163 (Preservation and Disposal of Public Records).

#### F. Consent

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

***[Note: State law permits schools to provide these services to minor students without the consent of a parent. If, however, a school district provides these or other services pursuant to a grant received under the Student Support and Academic Enrichment Grants law, this funding could be jeopardized if the requirements of federal law, to obtain prior written, informed consent from the parent of each child who is under 18 years of age is not obtained.]***

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assistance programs.

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B. The school district shall notify a federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)

Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)

Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 124D.695 (Approved Recovery Program Funding)

Minn. Stat. § 126C.44 (Safe Schools Levy)

Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)

Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

Minn. Stat. § 152.01 (Definitions)

Minn. Stat. § 152.02 (Schedules of Controlled Substances;  
Administration of Chapter)

Minn. Stat. § 152.22 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis) Minn. Stat. §  
299A.33 (DARE Program)

Minn. Stat. § 466.07, subd. 1 (Indemnification Required)

Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses;

Minimum Fines)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment Grants)

20 U.S.C. § 5812 (National Education Goals)

20 U.S.C. § 7175 (Local Activities)

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)

34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)

MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)

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

MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols,

## 501 SCHOOL WEAPONS POLICY

***[Note: School districts are required by statute to have a policy addressing these issues. ATTENTION: This policy incorporates certain provisions of the Minnesota Citizens' Personal Protection Act (often referred to as the "conceal and carry law".)]***

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

### III. DEFINITIONS

#### A. "Weapon"

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

- B. "School Location" includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.
- C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.
- D. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

#### **IV. EXCEPTIONS**

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
  - 1. active licensed peace officers;
  - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
  - 3. persons authorized to carry a pistol under Minnesota Statutes, section 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
  - 4. persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes, section 624.714 or 624.715 or other firearms in accordance with Minnesota Statute, section 97B.045;

- a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for “antique firearms which are carried or possessed as curiosities or for their historical significance or value.”
  - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with Sections 624.714 and 624.715.
5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
  6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
  7. a gun or knife show held on school property;
  8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
  9. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

***[Note: Nothing prevents a school district from being more stringent in its weapons policy with respect to students and school district employees than the criminal law, except that the school district may not prohibit the lawful carry or possession of firearms in a parking facility or parking area. Although some school districts may choose to incorporate all of the exceptions to the criminal law, other school districts may choose either not to incorporate some or all of the exceptions or to further limit them. For example, a school district may choose to require written permission from the superintendent, not just a principal, for someone to possess a dangerous weapon in a school location. This would impose a more stringent requirement than the exceptions to the general prohibition of having a weapon on school grounds set forth in Minnesota Statutes, section 609.66, Subdivision 1d (f) listed in Section IV.B. above. However, a school district may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with Minnesota Statute section 609.66, Subdivision 1d.]***

C. Policy Application to Instructional Equipment/Tools

While the school district does not allow the possession, use or distribution of weapons by students or nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used and

stored, shall not be considered in violation of the rule against the possession, use or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

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

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

A. The school district does not allow the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students willfully possessing, using or distributing weapons shall include:

1. immediate out-of-school suspension;
2. confiscation of the weapon;
3. immediate notification of police;
4. parent or guardian notification; and
5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.

B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.

C. The building principal shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully.

D. Administrative Discretion

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

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

### A. Employees

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.
2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

***[Note: An employer may establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment. Employment-related sanctions may be invoked for a violation. Thus, for example, reasonable limitations may be imposed on the method of storing firearms by permit-holding employees while at work or performing employment-related duties. Reasonable limitations may include requiring firearms to have trigger locks and to be stored in a locked container or locked compartment of the vehicle.]***

### B. Other Nonstudents

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

## VII. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES

The school district must electronically report to the Minnesota Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes section 121A.06

**Legal References:** Minn. Stat. § 97B.045 (Transporting of Firearms)  
Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)  
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)  
Minn. Stat. § 152.01, subd. 149a) (Definition of a School Zone)  
Minn. Stat. § 609.02, subd. 6 (Definition of Dangerous Weapon)  
Minn. Stat. § 609.605 (Trespass)  
Minn. Stat. § 609.66 (Dangerous Weapons)  
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)  
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)  
18 U.S.C. § 921 (Definition of Firearm)  
*In re C.R.M.* 611 N.W.2d 802 (Minn. 2000)  
*In re A.D.*, 883 N.W.2d 251 (Minn. 2016)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)

## 515 PROTECTION AND PRIVACY OF PUPIL RECORDS

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

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 United States Code section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and Minnesota Rules parts 1205.0100-1205.2000.

### III. DEFINITIONS

#### A. Authorized Representative

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

#### B. Biometric Record

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

#### C. Dates of Attendance

“Dates of attendance,” as referred to in “Directory Information,” means the

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

D. Directory Information

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

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

***[Note: This definition includes all of the types of information specifically referenced by state and federal law as directory information. A school district may choose not to designate some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is***

*not information that generally would be deemed as an invasion of privacy or information that references the student's religion, race, color, social position, or nationality. Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district.]*

E. Education Records

1. What constitutes "education records." Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term, "education records," does not include:
  - a. Records of instructional personnel which:
    - (1) are in the sole possession of the maker of the record; and
    - (2) are not accessible or revealed to any other individual except a substitute teacher; and
    - (3) are destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by the school district which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual's

capacity as an employee; and

- (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
  - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
  - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.
- e. Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

#### F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes section 13.05 or a court order.

#### G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

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

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

J. Parent

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

K. Personally Identifiable

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

circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

L. Record

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

M. Responsible Authority

“Responsible authority” means *[designate title and actual name of individual]*.

N. Student

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

O. School Official

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

***[Note: School districts may wish to reference police liaison officers in the definition of a “school official.” Depending on the circumstances of the relationship, this may be added in subpart (d) of the definition or in a new subpart (e). Caution should be used to ensure that police liaison officers are considered “school officials” only when performing duties as a police liaison officer. Consultation with the school district’s legal counsel is recommended.]***

P. Summary Data

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

Q. Other Terms and Phrases

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

#### **IV. GENERAL CLASSIFICATION**

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

#### **V. STATEMENT OF RIGHTS**

##### **A. Rights of Parents and Eligible Students**

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

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

##### **B. Eligible Students**

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student"

are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations section 99.31(a).

C. Disabled Students

The school district shall follow 34 Code of Federal Regulations sections, 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of

the electronic consent; and

- b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
- a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d. specific as to the nature of the information the subject is authorizing to be disclosed;
  - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
  - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
  - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes Chapter 256B or Minnesota Care under Minnesota Statutes Chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student,

except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, *[insert the following if the school district has a policy regarding Staff Notification of Violent Behavior by Students]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

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

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers.
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or

improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event

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

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 United States Code section 2331, or a parent is a party to a court

proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer

immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly

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

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

otherwise required by law.

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the

parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

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

## **VII. RELEASE OF DIRECTORY INFORMATION**

### **A. Classification**

Directory information is public except as provided herein.

### **B. Former Students**

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an "education record," the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the school district).

### **C. Present Students and Parents**

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

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about

the student and/or the parent as directory information; and

- c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.

***[Note: Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the school district chooses to impose these limitations, it is advisable to add a new paragraph VII.C.1.d. which specifies that disclosures of directory information will be limited to specific parties and/or for specific purposes and identify those parties and/or purposes. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. This is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure, but also the additional administrative requirements such restrictions will place on the school district.]***

2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
  - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

**VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

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

B. Private Records Not Accessible to Parent

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

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying

access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:

- a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
- b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

**IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or

the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the

school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;

- b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
- c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

- 5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

To the extent the school district maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

**X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING**

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, *et seq.*

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS**

A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.

B. Data released to military recruiting officers under this provision:

- 1. may be used only for the purpose of providing information to students about military service, state and federal veterans’ education benefits, and other career and educational opportunities provided by the military; and
- 2. cannot be further disseminated to any other person except personnel of

the recruiting services of the armed forces.

- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority [*designate title of individual, i.e., building principal*] in writing by [*date*] each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

A. Redisclosure

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:

a. The disclosures meet the requirements of Section VI. of this policy; and

b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.

2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code section 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

***[Note: 42 United States Code section 14071 was repealed. School districts should retain this statutory reference, however, as it remains a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]***

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

### **XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING**

#### **A. Responsible Authority**

The responsible authority shall be responsible for the maintenance and security of student records.

#### **B. Record Security**

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

#### **C. Plan for Securing Student Records**

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

#### **D. Review of Written Plan for Securing Student Records**

The responsible authority shall review the plans submitted pursuant to

Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent

of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. United States COde section 2332b(g)(5)(B) or an act of domestic or international terrorism.

*[Note: While Section XIII.E.1. does not apply to requests for or disclosures of directory information under Section VII. of this policy, to the extent the school district chooses to limit the disclosure of directory information to specific parties, for specific purposes, or both, it is advisable that records be kept to identify the party to whom the disclosure was made and/or purpose for the disclosure.]*

4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

- A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The school district shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

The school district shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the school district in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

**XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under

Subdivision B. of this section shall:

- a. be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and
- b. if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minnesota Statutes chapter 14 relating to contested cases.

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means *[designate title and actual name of individual]*.

- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

## **XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

### **A. Where to File Complaints**

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

### **B. Content of Complaint**

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

## **XVIII. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school district may not require such a waiver.

## **XIX. ANNUAL NOTIFICATION OF RIGHTS**

### **A. Contents of Notice**

The school district shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the

U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;

5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

The school district shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled

The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

**XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by the school district shall be controlled by state and federal law.

**XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)  
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)

Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns;  
Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)  
18 U.S.C. § 2332b (Acts of Terrorism Transcending National  
Boundaries)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d  
309 (2002)  
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

**Cross References:** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect  
or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside  
Agencies)  
MSBA/MASA Model Policy 520 (Student Surveys)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 906 (Community Notification of Predatory  
Offenders)  
MSBA Service Manual, Chapter 13, School Law Bulletin “1” (School  
Records – Privacy – Access to Data)

## **522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

***[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 Code of Federal Regulations part 106. These regulations, which went into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements.***

***The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 Code of Federal Regulations section 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations].***

### **I. GENERAL STATEMENT OF POLICY**

A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

B. The school district prohibits sexual harassment that occurs within its

education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

**[INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)]**

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

E. The effective date of this policy is August 14, 2020, and applies to alleged violations of this policy occurring on or after August 14, 2020.

## **II. DEFINITIONS**

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.

B. “Complainant” means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.

C. “Day” or “days” means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

D. “Deliberately indifferent” means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

E. “Education program or activity” means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.

F. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.

2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.

G. “Informal resolution” means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution

may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

H. “Relevant questions” and “relevant evidence” are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

J. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

K. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:

1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
3. Any instance of sexual assault (as defined in the Clery Act, 20 United States Code section 1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 United States Code section 12291).

L. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minnesota Statutes section 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.

M. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. “Title IX Coordinator” means an employee of the school district that coordinates the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.

2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.

3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.

3. “Appellate Decision-maker” means a person who considers and

decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

4. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

***[NOTE: It is recommended that school districts designate a primary Title IX Coordinator and at least one alternate Title IX Coordinator so that the alternate can undertake Title IX Coordinator responsibilities in the event the primary Title IX Coordinator is a party to a complaint or is otherwise not qualified under this policy to serve in that role in a particular case.]***

### III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

#### A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.

2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.

3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.

2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 United States Code section 1232g, FERPA regulations, 34 Code of Federal Regulations part 99, Minnesota law under Minnesota Statutes section 13.32, or as required by law, or to carry out the purposes of 34 Code of Federal Regulations part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate

directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.

2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

J. Timelines

***[NOTE: The Title IX regulations require reasonably prompt timeframes for conclusion of the grievance process, but do not specify any particular timeframes. The time periods below are suggested. School districts may establish their own district-specific timeline, although it is recommended that legal counsel be consulted before adjusting time periods.]***

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.

2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.

4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.

5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged

misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

**IV. REPORTING PROHIBITED CONDUCT**

A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex

discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.

B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.

C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

## **V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.

D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of this policy.

## **VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT**

### **A. Emergency Removal of a Student**

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:

- a. The school district undertakes an individualized safety and risk analysis;
- b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
- c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including MSBA Model Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

***[NOTE: The interrelationship between the Title IX regulations authorizing the emergency removal of student and the Minnesota Pupil Fair Dismissal Act (MPFDA) is unclear at this time. School districts should consult with legal counsel regarding the emergency removal of a student. At a minimum, it is recommended that school districts provide alternative educational services, as defined in the MPFDA, to any student so removed under the Title IX regulations.]***

B. Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

## **VII. Informal Resolution OF A FORMAL COMPLAINT**

A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.

B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.

D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

## **VIII. Dismissal of a Formal Complaint**

A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven;
2. Did not occur in the school district's education program or

activity; or

3. Did not occur against a person in the United States.

B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;

2. The respondent is no longer enrolled or employed by the school district; or

3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.

C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.

D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

***[NOTE: For example, school districts are reminded of the obligation under Minnesota Statutes section 122A.20, subdivision 2, to make a mandatory report to the Minnesota Professional Educator Licensing and Standards Board concerning any teacher who resigns during the course of an investigation of misconduct.]***

## **IX. INVESTIGATION OF A FORMAL COMPLAINT**

A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known

parties.

C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

## **X. Determination Regarding Responsibility**

***[NOTE: The Title IX regulations do not require school districts to conduct live hearings as part of the decision-making phase of the grievance process. Accordingly, this Policy does not include procedures for a live hearing. If a school district desires to create such procedures, legal counsel should be consulted.]***

A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.

B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.

C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the school district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and

6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

F. The written determination of responsibility must be provided to the parties simultaneously.

G. The Title IX Coordinator is responsible for the effective implementation of any remedies.

H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **XI. APPEALS**

A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. If notice of an appeal is timely received by the school district, the

school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

D. The written decision describing the result of the appeal must be provided simultaneously to the parties.

E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

## **XII. Retaliation prohibited**

A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.

C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient

to conclude that any party made a materially false statement in bad faith.

### **XIII. TRAINING**

A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:

1. The Title IX definition of sexual harassment;
2. The scope of the school district's education program or activity;
3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

### **XIV. DISSEMINATION OF POLICY**

A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.

B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to

parents, employees, students, unions, or applicants.

C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

## **XV. RECORDKEEPING**

***[NOTE: School districts should consider amending their respective retention schedules to reflect the recordkeeping requirements discussed below].***

A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:

1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
2. The measures the school district has taken that are designed to

restore or preserve equal access to the school district's education program or activity; and

3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.

4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school district must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;

2. Any appeal and the result therefrom;

3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Personnel.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital  
Status Nondiscrimination)

## **529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS**

*[Note: School districts are not required to adopt a policy regarding staff notification of violent behavior by students. State law does, however, require school districts to provide classroom teachers with notice of the placement of students with a history of violent behavior in their classrooms. Thus, school districts may decide the manner in which they provide such notice. In 2003, the Minnesota Legislature required a committee, including a representative from the Minnesota School Boards Association (MSBA), to develop a model policy for schools to notify staff about violent behavior by students. That model policy is available on the Minnesota Department of Administration's website. MSBA has modified the committee-developed policy for consistency with its other model policies and to reflect management perspectives. MSBA recommends this policy.]*

### **I. PURPOSE**

In an effort to provide a safe school environment, the assigned classroom teacher and certain staff members should know whether a student to be placed in the classroom has a history of violent behavior. Additionally, decisions should be made regarding how to manage such a student.

The purpose of this policy is to address the circumstances in which data should be provided to classroom teachers and other school staff members about students with a history of violent behavior and to establish a procedure for notifying staff regarding the placement of students with a history of violent behavior.

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

- A. Any staff member or other employee of the school district who obtains or possesses information concerning a student in the building with a history of violent behavior shall immediately report said information to the principal of the building in which the student attends school.
- B. The administration will meet with the assigned classroom teacher and other appropriate staff members for the purpose of notifying and determining how staff will manage such student.
- C. Only staff members who have a legitimate educational interest in the information will receive notification.

### **III. DEFINITIONS**

For purposes of this policy, the following terms have the meaning given them.

A. Administration

“Administration” means the superintendent, building principal, or other designee.

B. Classroom Teacher

“Classroom Teacher” means the instructional personnel responsible for the course or room to which a student is assigned at any given time, including a substitute hired in place of the classroom teacher.

C. History of Violent Behavior

1. A student will be considered to have a history of violent behavior if incident(s) of violence, including any documented physical assault of a school district employee by the student, have occurred during the current or previous school year.
2. If a student has an incident of violence during the current or previous school year, that incident and all other past related or similar incidents of violence will be reported.

D. Incident(s) of Violence

“Incident(s) of violence” means willful conduct in which a student endangers or causes physical injury to the student, other students, a school district employee, or surrounding person(s) or endangers or causes significant damage to school district property, regardless of whether related to a disability or whether discipline was imposed.

E. Legitimate Educational Interest

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

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

F. School Staff Member

“School Staff Member” includes:

1. A person duly elected to the school board;
2. A person employed by the school board in an administrative, supervisory, instructional, or other professional position;
3. A person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and
4. A person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

***[Note: School districts may wish to reference other school staff members such as paraprofessionals, bus drivers, occupational therapists, or police liaison officers in the definition of a “school staff member.” However, the definition of a “school staff member” in this policy should be identical to the school district’s definition of a “school official” in Policy 515, Protection and Privacy of Pupil Records.]***

#### **IV. PROCEDURE FOR STAFF NOTIFICATION OF STUDENTS WITH VIOLENT BEHAVIOR**

##### **A. Reports of Violent Behavior**

Any staff member or other employee of the school district who becomes aware of any information regarding the violent behavior of an enrolling student or any student enrolled in the school district shall immediately report the information to the building principal where the student is enrolled or seeks to enroll.

##### **B. Recipients of Notice**

Each classroom teacher of a student with a history of violent behavior (see Section III.C., above) will receive written notification from the administration prior to placement of the student in the teacher’s classroom. In addition, written notice will be given by the administration to other school staff members who have a legitimate educational interest, as defined in this policy, when a student with a history of violent behavior is placed in a teacher’s classroom. The administration will provide notice to anyone substituting for the classroom teacher or school staff member, who has received notice under this policy, that the substitute will be overseeing a student with a history of violent behavior.

The administration may provide other school district employees or individuals outside of the school district with information regarding a student, including

information regarding a student's history of violent behavior, in accordance with Policy 515, Protection and Privacy of Pupil Records.

C. Determination of Who Receives Notice

The determination of which classroom teachers and school staff members have a legitimate educational interest in information regarding a student with a history of violent behavior will be made by either: (1) the school district's Responsible Authority appointed by the school board under the Minnesota Government Data Practices Act or (2) the administration. In the event the administration makes this determination, the Responsible Authority will provide guidance to the administration as to what data will be shared.

D. Form of Written Notice

The notice given to classroom teachers and school staff members will be in writing and will include the following:

1. Name of the student;
2. Date of notice;
3. Notification that the student has been identified as a student with a history of violent behavior as defined in Section III. of this policy; and
4. Reminder of the private nature of the data provided.

E. Record of Notice

1. The administration will retain a copy of the notice or other documentation provided to classroom teachers and school staff members notified under this section.
2. Retention of the written notice or other documentation provided to classroom teachers and school staff members is governed by the approved Records Retention Schedule.

F. Meetings Regarding Students with a History of Violent Behavior

1. If the administration determines, in his or her discretion, that the classroom teacher and/or school staff members with a legitimate educational interest in such data reasonably require access to the details regarding a student's history of violent behavior for purposes of school safety and/or intervention services for the student, the administration also may convene a meeting to share and discuss such data.
2. The persons present at the meeting may have access to the data described in Section IV.D., above.

## G. Law Enforcement Reports

Staff members will be provided with notice of disposition orders or law enforcement reports received by the school district in accordance with Policy 515, Protection and Privacy of Pupil Records. Where appropriate, information obtained from disposition orders or law enforcement reports also may be included in a Notification of Violent Behavior.

## V. **MAINTENANCE AND TRANSFER OF RECORDS**

A report, notice, or documentation pertaining to a student with a history of violent behavior are educational records of a student and will be retained, maintained, and transferred to a school or school district in which a student seeks to enroll in accordance with Policy 515, Protection and Privacy of Pupil Records.

## VI. **PARENTAL NOTICE**

- A. The administration will notify parents annually that the school district gives classroom teachers and other school staff members notice about students' history of violent behavior.
- B. Prior to providing the written notice of a student's violent behavior to classroom teachers and/or school staff members, the administration will inform the student's parent or guardian that such notice will be provided.
- C. Parents will be given notice that they have the right to review and challenge records or data, including the data documenting the history of violent behavior, in accordance with Policy 515, Protection and Privacy of Pupil Records.

## VII. **TRAINING NEEDS**

Representatives of the school board and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training which may include training on conflict resolution and positive behavior interventions and may discuss necessary intervention services such as student behavioral assessments.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.22, Subd. 7 (Compulsory Instruction)  
Minn. Stat. § 121A.45 (Grounds for Dismissal)  
Minn. Stat. § 121A.64 (Notification; Teachers' Legitimate Educational Interest)  
Minn. Stat. § 121A.75 (Receipt of Record; Sharing)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Rules Implementing FERPA)  
Minn. Laws 2003, 1<sup>st</sup> Sp., Ch. 9, Art. 2, § 53

**Cross References:** MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Adopted: 2023  
Revised:  
Reviewed:  
Next Review: Tri-Annual

## **535 SERVICE ANIMALS IN SCHOOLS**

### **I. PURPOSE**

The purpose of this policy is to establish parameters for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

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

Individuals with disabilities shall be permitted to bring their service animals into school buildings or on school grounds in accordance with, and subject to, this policy.

### **III. DEFINITIONS**

#### **A. Service Animal**

A "service animal" is a dog (regardless of breed or size) or miniature horse that is individually trained to perform "work or tasks" for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets. The work or tasks performed by the service animal must be directly related to the individual's disability. An animal accompanying an individual for the sole purpose of providing emotional support, therapy, comfort, or companionship is not a service animal.

#### **B. Handler**

A "handler" is an individual with a disability who uses a service animal. In the case of an individual who is unable to care for and supervise the service animal for reasons such as age or disability, "handler" means the person who cares for and supervises the animal on that individual's behalf. School district personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.

#### **C. Work or Tasks**

1. "Work or tasks" are those functions performed by a service animal.
2. Examples of "work or tasks" include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
3. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship are not "work or

tasks” for the purposes of this policy.

D. Trainer

A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

**IV. ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES**

- A. In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students, and employees are allowed to go. A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler has the right: (a) to be present on school district property or in school district facilities; (b) to attend or participate in a school- sponsored event, activity, or program; or (c) to be transported in a vehicle that is operated by or on behalf of the school district.
- B. When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person’s disability, but may make the following two inquiries to determine whether the animal qualifies as a service animal:
  - 1. Is the service animal required because of a disability; and
  - 2. What work or tasks is the service animal trained to perform.
- C. School district employees shall not make these inquiries of an individual with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. However, school district employees may inquire whether the individual with a disability has completed and submitted the request form described in Part VI., below.
- D. An individual with a disability may not be required to provide documentation such as proof that the animal has been certified, trained, or licensed as a service animal.

**V. REQUIREMENTS FOR ALL SERVICE ANIMALS**

- A. The service animal must be required for the individual with a disability.
- B. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability.
- C. A service animal must have a harness, leash, or other tether, unless either the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case, the service animal must be otherwise under the handler’s control (e.g., voice control, signals, or other effective means).
- D. The service animal must be housebroken.
- E. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of a service animal, including walking the service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, and responding to the service animal’s need to relieve itself, including the proper disposal of the service animal’s waste.
- F. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.

- G. In the case of a student who is unable to care for and/or supervise his or her service animal, the student's parent/guardian is responsible for arranging for such care and supervision. In the case of an employee or other individual who is unable to care for and/or supervise his or her service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.
- H. The service animal must be properly licensed and vaccinated in accordance with applicable state laws and local ordinances.

**VI. REQUESTING THE USE OF A SERVICE ANIMAL AT SCHOOL**

- A. Students with a disability seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the building principal of the school the student attends. The principal will notify the superintendent or the administrator designated with responsibility to address such requests. School district employees seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the superintendent or the administrator designated with responsibility to address such requests.
- B. Students or employees seeking to bring a service animal onto district premises are requested to identify whether the need for the service animal is required because of a disability and to describe the work or tasks that the service animal is trained to perform.
- C. The owner of the service animal shall provide written evidence that the service animal has received all vaccinations required by state law or local ordinance.

**VII. REMOVAL OR EXCLUSION OF A SERVICE ANIMAL**

- A. A school official may require a handler to remove a service animal from school district property, a school building, or a school-sponsored program or activity, if:
  - 1. Any of the requirements described in Part V., above, are not met.
  - 2. The service animal is out of control and/or the handler does not effectively control the animal's behavior;
  - 3. The presence of the service animal would fundamentally alter the nature of a service, program or activity; or
  - 4. The service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or otherwise poses a significant health or safety risk to others that cannot be eliminated by reasonable accommodations.
- B. If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.

**VIII. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES**

In assessing whether a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:

- A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

- B. Whether the handler has sufficient control of the miniature horse;
- C. Whether the miniature horse is housebroken; and
- D. Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate health and safety requirements.

**IX. ALLERGIES; FEAR OF ANIMALS**

If a student or employee notifies the school district that he or she is allergic to a service animal, the school district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of animals is generally not a valid reason for prohibiting the presence of a service animal.

**X. NON-SERVICE ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPS) OR SECTION 504 PLANS**

If a special education student or a student with a Section 504 plan seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the student's IEP team or Section 504 team, as appropriate, to determine whether the animal is necessary for the student to receive a free appropriate public education (FAPE) or, in the case of a Section 504 student, to reasonably accommodate the student's access to the school district's programs and activities.

**XI. NON-SERVICE ANIMAL AS AN ACCOMMODATION FOR EMPLOYEES**

If an employee seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the superintendent or the administrator designated to handle such requests. A school district employee who is a qualified individual with a disability will be allowed to bring such animal onto school property when it is determined that such use is required to enable the employee to perform the essential functions of his or her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

**XII. LIABILITY**

- A. The owner of the service animal or non-service animal is responsible for any harm or injury to an individual and for any property damage caused by the service animal while on school district property.
- B. An individual who, directly or indirectly through statements or conduct, intentionally misrepresents an animal in that person's possession as a service animal may be subject to criminal liability.

**Legal References:** Section 504 of the Rehabilitation Act of 1973  
 28 C.F.R. § 35.104, 28 C.F.R. § 35.130(b)(7), and 28 C.F.R. § 35.136 (ADA Regulations)  
 20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)  
 Minn. Stat. § 256C.02 (Public Accommodations)  
 Minn. Stat. § 363A.19 (Discrimination Against Blind, Deaf, or Other Persons with Physical or Sensory Disabilities Prohibited)  
 Minn. Stat. § 609.226 (Harm Caused by Dog)  
 Minn. Stat. § 609.833 (Misrepresentation of Service Animal)

**Cross References:** MSBA/MASA Policy 402 (Disability Nondiscrimination Policy)  
 MSBA/MASA Policy 521 (Student Disability Nondiscrimination)

