

Human Resources - Regular School Board Meeting

Duluth Public Schools, ISD 709

Agenda

Tuesday, May 21, 2019

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

6:30 PM

- | | |
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| 1. Staffing Report Action Items | 3 |
| 2. Other HR Action Items | |
| <ul style="list-style-type: none"> A. <u>New Policy 404 - Employment Background Checks</u> <u>5</u> | |
| Attached is the edited MSBA Model Policy 404 - Employment Background Checks for the second reading. This policy would replace the current Policy 4042, and 4042R. | |
| <u>Recommendation:</u> It is recommended that the Duluth School Board approve Policy 404 - second reading. | |
| <ul style="list-style-type: none"> B. <u>New Regulation 404F - Employment Background Checks</u> <u>9</u> | |
| New Regulation 404F is replacing 4042R. This is informational for the Board, no action needed. | |
| <ul style="list-style-type: none"> C. <u>Delete Policy 4042 - Employment Background Checks</u> <u>10</u> | |
| In moving to MSBA Model Policies, administration is recommending the deletion of Policy 4042 which will be replaced with MSBA Policy 404 - second reading. | |
| <u>Recommendation:</u> It is recommended that the Duluth School Board approve the deletion of Policy 4042 - second reading. | |
| <ul style="list-style-type: none"> D. <u>Delete Regulation 4042R - Employment Background Checks</u> <u>11</u> | |
| With the move to MSBA Model Policy 404, Regulation 4042R is being deleted. This is informational for the Board, no action needed. | |
| <ul style="list-style-type: none"> E. <u>ReNUMBER Regulation 4041R - Employee Right-To-Know Program</u> <u>12</u> | |
| With the move to MSBA Model Policy 407. This is informational for the Board, no action needed. MSBA Model Policy 407 - Employee Right to Know - Exposure to Hazardous Substances was approved in April 2019 board meeting. | |
| <ul style="list-style-type: none"> F. Approval of Termination of Certified Hourly Staff - Resolution - HR-5-19-3643 15 | |
| <ul style="list-style-type: none"> G. Approval of Termination of Certified Non-Tenured Certified Staff-Resolution HR-5-19-3644 16 | |
| <ul style="list-style-type: none"> H. Resolution Authorizing School Board Member's Attendance at the MSBA Superintendent Search Workshop - Resolution HR-5-19-3647 17 | |
| 3. HR Informational Items | |
| <ul style="list-style-type: none"> A. Nepotism Discussion | |
| 4. Other HR Future Items | |
| <ul style="list-style-type: none"> A. There are no other HR Future Items at this time. | |

HUMAN RESOURCES ACTION ITEMS FOR: 5/21/2019

<u>CERT APPOINTMENT</u>	<u>POSITION/LOCATION/CLASS&STEP/REPLACING</u>	<u>EFFECTIVE DATES</u>
PUGLISI, ANTHONY Total: 1	MUSIC SPECIALIST/LESTER PARK/HOMECROFT, III 2, TEMP POS, K PASCHEN, CHG IN DATES	03/05/19 06/06/19
<u>CERT LEAVES</u>	<u>POSITION/LOCATION/TYPER OF LEAVE</u>	<u>EFFECTIVE DATES</u>
BREILEIN, ALEXANDRA	VISUAL ARTS/ALC/AEO, POLICY #4125 LWOP	08/27/19 01/17/20
GORSKI, ELIZABETH	HEALTH/AJC, MEDICAL LWOP, DATE TBD	04/22/19
HANSON, CHAD	MUSIC/ALC/AEO	08/27/19 06/08/20
MOOERS, BRIAN	PHY ED SPECIALIST/CHESTER CREEK/MERRITT CREEK/LESTER PARK, A" MED LWOP"	03/26/19 04/02/19
STARIHA, KRISTENE	GRADE 1/PIEDMONT, PARENTAL LWOP	05/23/19 06/05/19
VALDIZON, ROBYN Total: 6	SPANISH/EAST/ORDEAN EAST, DATE TBD	05/02/19
<u>CERT LONG TERM SUB</u>	<u>POSITION/LOCATION/CLASS & STEP/REPLACING</u>	<u>EFFECTIVE DATES</u>
ASCHEMAN, CHARLOTTE	SPANISH 0.6/ORDEAN EAST, SPANISH 0.4/EAST, (MA) IV 07, R. VALDIZON	04/22/19 06/07/19
EIDENSCHINK, JILL	ENGLISH/DENFELD, (MA) IV 07, M PURSI, CHANGE IN DATES	03/06/19 03/29/19
HOLESTINE, FAITH	GRADE 1/PIEDMONT, III 2, K STARIHA	04/02/19 06/05/19
MOEN, CHRISTINE	SPEECH LANGUAGE PATHOLOGIST/DW, (MA)IV+45 9, J WILLIAMS	04/26/19 06/07/19
MORRIS, JULIA	GRADE 4/MACARTHUR, III 2, K FINN	04/01/19 06/07/19
PLASTER, AMANDA Total: 6	GRADE 1/MYERS-WILKINS, III 2, L ENGBRETSSEN	04/16/19 05/31/19
<u>CERT RETIREMENT</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
FITZGERALD, DIANE	SCHOOL COUNSELOR/DENFELD	06/14/19
GALLINGER, CAROL	GRADE 2/LAKEWOOD	06/07/19
HEISTAD, CAROLYN	SCIENCE & CHEMISTRY/DENFELD	06/07/19
MCINTYRE, ROBIN Total: 4	SPEC ED EARLY CHILDHOOD/ECSE	06/07/19
<u>CERT TEMP INCREASE</u>	<u>POSITION/LOCATION/CONDITION</u>	<u>EFFECTIVE DATES</u>
LUOMALA, JENNIFER	SPEC ED EARLY CHILDHOOD/DW, 1/6 OVERLOAD	04/15/19 06/07/19
PUGLISI, ANTHONY	MUSIC SPECIALIST/HOMECROFT, 1/6 OVERLOAD, CHANGE IN DATES	03/05/19 06/06/19
SCHEIB, DINA Total: 3	SPEC ED EARLY CHILDHOOD/DW, 1/6 OVERLOAD	04/15/19 06/07/19
<u>NONCERT APPOINTMENT</u>	<u>POSITION/LOCATION/WEEKS/RATE OF PAY/REASON</u>	<u>EFFECTIVE DATES</u>
BOLANDER, MELISSA	SUPV PARA/PIEDMONT, 23.5/38WKS, \$14.88/HR, TEMP POS	04/01/19 06/07/19
GUZZO, SHANNON	SPEC ED PARA/STUD SPEC/CHESTER CREEK, 31.25/38WKS, \$15.76/HR, TEMP POS	05/06/19 06/07/19
HAYS, KIMBERLY Total: 3	INSTR PARA/MYERS-WILKINS, 31.25/38WKS, \$13.55/HR, O KINCHELOE, TEMP POS	04/22/19 06/07/19
<u>NONCERT LEAVES</u>	<u>POSITION/LOCATION/TYPER OF LEAVE</u>	<u>EFFECTIVE DATES</u>
JONES, JENNIFER	SUPV PARA/LINCOLN PARK, A" PARENTAL LWOP"	03/04/19 09/13/19
KRAFTHFER, FABIAN	CUSTODIAN II/CONGDON PARK, A" MEDICAL LWOP"	03/28/19 04/15/19
LY, NAM	FOOD SERVICE HELPER/HOMECROFT, A" PERSONAL LWOP"	03/04/19 03/29/19
MAXIM, KOURTNEY	PRE-SCHOOL PARA/MACARTHUR, A" MEDICAL LWOP"	04/17/19 04/25/19
SANDS, ALEXANDER	SUPV PARA/EAST, A" PERSONAL LWOP"	03/25/19 03/29/19
SETTERGREN, GERALDINE Total: 6	PARA/LPN/EAST, A" PERSONAL LWOP"	03/26/19 03/29/19
<u>NONCERT RESIGNATION</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
AMMESMAKI, MARCUS	CULTURAL IMMERSION PARA/LOWELL	04/15/19
GALLIAN, WILLIAM	SCHOOL CUSTODIAN II/MAINT/DENFELD	05/04/19
GRAVES, GABRIEL	SIGN LANGUAGE FACILITATOR/MYERS-WILKINS	06/07/19
<u>NONCERT RESIGNATION</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
HALL, CARLA	FOOD SERVICE HELPER/EAST	04/23/19
HEIM, DONNA	OFFICE SUPPORT SPECIALIST INTERMEDIATE/EAST	04/12/19
JOHNSON, REID	HVAC & SCHOOL EQUIPMENT/FACILITIES	05/01/19
TWEDT, NATHAN Total: 7	FOOD SERVICE HELPER/EAST	04/23/19

NONCERT RETIREMENT

POSITION/LOCATION

EFFECTIVE DATES

BLAIR, LINDA
KRAFTHEFER, FABIAN
PETERSON, CONNIE
ROSAS, CINDY
Total: 4

OFFICE SUPPORT SPECIALIST SR/HOCHS
CUSTODIAN II/CONGDON PARK
ECFE PARA/STOWE AND MYERS WILKINS
PARA LPN/LINCOLN PARK

08/09/19
04/15/19
06/07/19
06/07/19

4

(HR changes are shaded in grey).

404 EMPLOYMENT BACKGROUND CHECKS

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

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district may also elect to do background checks of other volunteers, independent contractors, and student employees in the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § 13.87. The

school district reserves the right to also have criminal history background checks conducted by other organizations or agencies. **~~including conducting a search history from the Minnesota Public Criminal History web site, the National Sex Offender Registry and the Minnesota Meth Offender Registry. These searches will be conducted prior to an employee's start date. Other states public record web sites will be used when appropriate.~~**

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

~~[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]~~

- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 3. the individual executes a written consent form giving the school district access to the results of the check; and
 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall

request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.

- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. ~~**A form notice for this purpose is included with this policy.**~~

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is included with this policy.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)
 Minn. Stat. § 13.87, Subd. 1 (Criminal History Data)
 Minn. Stat. § 123B.03 (Background Check)
 Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background Check Act)
 Minn. Stat. § 364.09(b) (Exception for School Districts)

Cross References:

New:

Replacing: Policy 4042, and 4042R

First Reading: 02-26-19

Second Reading: ~~03-19-19~~ ~~4-23-19~~ 5-21-19

~~4042—EMPLOYMENT BACKGROUND CHECKS~~

- ~~1. The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district or such other background checks as provided by this policy. The school district may also elect to do background checks of volunteers in the school district.~~
- ~~2. The school district shall require that applicants for school district positions who receive an offer of employment submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by the school district that an applicant's criminal history does not preclude the applicant from employment with the school district.~~
- ~~3. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.~~
- ~~4. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use background information concerning employees, applicants and volunteers.~~

Adopted: ~~01-23-1996 ISD 709~~

~~4042R EMPLOYMENT BACKGROUND CHECKS~~

- ~~A. Normally an individual will not commence employment until the school district receives the results of the criminal history background check. The school district may conditionally hire an individual pending completion of the background check, but shall notify the individual that the individual's employment may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (hereinafter "the BCA"). The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.~~
- ~~B. An individual who is offered employment must sign a criminal history consent form which provides permission for the school district to conduct a criminal history background check. If the individual fails to provide the school district with a signed Informed Consent Form at the time the individual receives a job offer, the individual will be considered to have voluntarily withdrawn the application for employment.~~
- ~~C. When required, candidates must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the candidate are unusable, the candidate will be required to submit another set of prints.~~
- ~~D. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment in the job posting and job advertisements.~~
- ~~E. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.~~
- ~~F. If the criminal history background check precludes employment with the school district, the individual will be so advised.~~
- ~~G. The school district may apply these procedures to volunteers as though they were applicants for employment.~~

Criminal History Consent Form

~~A form to obtain consent for a criminal history background check is included with this regulation.~~

Legal References:

~~Minn. Stat. 13.04, Subd. 4 (Inaccurate or incomplete data)~~

~~Minn. Stat. 120.1045 (Background checks)~~

~~Minn. Stat. 299C.60-299C.64 (Minnesota Child Protection Background Check Act)~~

~~Minn. Stat. 364.09(b) (Exception for School Districts)~~

~~Adopted: 01-23-1996 ISD 709~~

407R EMPLOYEE RIGHT-TO-KNOW PROGRAM

A. Written Employee Right-to-Know Program

1. Purpose: The Written Employee Right-to-Know Program places the needed emphasis on identifying and communicating the presence of hazardous substances in the product and processes used in the work environment of the School District.
2. This program meets the requirements of the Employee Right-to-Know Law in the areas of:
 - a. Hazard Inventory
 - b. Labels and Warnings
 - c. Materials Safety Data Sheets (MSDS)
 - d. Employee Information and Training
3. The written program is posted in all teachers' lounges and in each Material Safety Data Sheet (MSDS) book. Copies of the program are available from the Employee Right-to-Know (ERK) Coordinator at the Central Administration Building for review by any interested party.
4. The Purchasing Department shall request that all vendors send two copies of the Material Safety Data Sheets for the hazardous substances that they sell to the School District.
5. The Storekeeper, located in the School District storeroom, will verify that all containers received for use within the School District will:
 - a. Be clearly labeled as to the contents
 - b. Note the appropriate hazard warning
 - c. Forward any MSDS's to the Employee Right-to-Know Coordinator
6. The custodians and building engineers in each work building will ensure that all secondary containers are labeled with:
 - a. The product name
 - b. Manufacturer's name, address, and phone number
 - c. Appropriate hazard warnings

The ERK Coordinator in the Physical Plant Department at the Central Administration Building has the labels which meet these requirements and are available upon request.

7. The ERK Coordinator will assist any work area with special labeling. ERK Coordinator is also responsible for reviewing and up-dating the labeling when required.

B. Material Safety Data Sheets

1. The ERK Coordinator shall assemble one master file for all MSDS's and product letters in the Physical Plant Department at the Central Administration Building by the following departments: Industrial Arts, Sciences, Fine Arts, Transportation, Buildings and Grounds/Agriculture, Food Services/Home Economics, and Administrative/General.
2. The ERK Coordinator is responsible for obtaining and maintaining the MSDS system for the School District. The coordinator will review incoming MSDS's for new and/or changes in significant health and safety information every year. This new or significant information will be given to the appropriate department heads for dissemination to affected employees.
3. The ERK Coordinator will keep a complete list of all products that contain hazardous chemicals. MSDS's will also be obtained and kept on file for products not containing hazardous ingredients, if the letter/ MSDS so states.
4. Each individual ordering/purchasing a hazardous substance or agent is required to obtain an MSDS book, a list of hazardous products used within that work area.

C. New Employee Orientation

1. The ERK Coordinator is responsible for assuring that the Written Employee Right-to-Know Program is included in the New Employee orientation packet.
2. The Human and Community Resources and Relations Department will be responsible for assigning a new employee to the appropriate training session.
3. The ERK Coordinator will also inform the new employee of where the list of hazardous products is posted within that work area.

D. Employee Training

1. The ERK Coordinator is responsible for the coordination of training and educational programs that:
 - a. Provide general awareness of the Written Employee Right-to-Know Program to all employees
 - b. Review the chemicals present in the work place and show the employee how to handle and store them properly.
 - c. Show how to use personal protective equipment when handling chemicals.
 - d. Provide general training on chemicals in specific classes or families.
 - e. Develop work habits and procedures to lessen exposure to hazardous substances.
 - f. Show how to read labels and MSDS's to obtain appropriate hazardous information.
 - g. Provide information on new products that have hazardous substances.

The ERK Coordinator is responsible for maintaining records to assure that all employees receive the necessary training.

E. Hazardous Non-Routine Tasks

The Supervisor of Maintenance and Construction is responsible for providing information to the ERK Coordinator about any hazardous chemicals to which an employee may be exposed during the performance of a non-routine task. A non-routine task is defined as one that is performed by an employee not as part of the usual daily or weekly work routine. An example would be chemically washing down the walls of a work space twice a year.

F. Informing Contractors and/or Temporary Employees

1. Temporary Employees - will be treated as new employees and must be provided all of the orientation and training required of a new employee placed in a work area of the School District where products that are used contain hazardous ingredients. This will be done through the ERK Coordinator and the Physical Plant Office.

2. Sub-Contractors

- a. The Physical Plant Offices are responsible for providing sub-contractors with a copy of the Written Employee Right-to-Know Program and the information about any hazardous chemicals to which the sub-contractor and its employees may be exposed while on the job.
- b. The Physical Plant Offices are responsible for obtaining information and MSDS's about hazardous substances that the sub-contractor will bring onto School District property. The ERK Coordinator will disseminate this information to the affected employees.

Adopted: 09-08-1992 ISD 709

Revised: 06-20-1995 ISD 709

05-21-2019 ISD709 (Renumbered only from 4041R)

RESOLUTION

RE: Termination of Certified Hourly Staff

BE IT RESOLVED by the School Board of Independent School District No. 709, St. Louis County, Minnesota, that the employment of the following hourly teachers shall terminate effective at the end of the school day on June 7, 2019, unless another date is indicated below, in which case the employment of the individual shall terminate on that date.

BE IT FURTHER RESOLVED that the Clerk of the School Board shall notify such teachers in writing before July 1, 2019, of the termination of their employment

Mary Backstrom
Amy Broadmoore
Cameron Herrity
Jeanne Rodberg
Samantha Wolfe

R E S O L U T I O N

RE: Termination of Certified Probationary (Non-Tenured) Staff

WHEREAS, during the first three years of consecutive employment all teachers in the public schools in cities of the first class are deemed to be in a probational period of employment during which period the School Board may renew, or not renew, any teachers' annual contract as the School Board shall see fit. The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as a placement teacher and visiting teacher.

NOW, THEREFORE, BE IT RESOLVED by the School Board on Independent School District No. 709, St. Louis County, Minnesota, as follows:

1. The employment contracts of the following probationary teachers shall not be renewed and their employment shall terminate at the end of the school day on June 7, 2019, unless another date is indicated below, in which case the employment of the particular teacher shall terminate on that date.

Cassandra Schick
Robyn Valdizon

2. **BE IT FURTHER RESOLVED** the Clerk of the School Board shall notify such teachers in writing before July 1, 2019, of the termination of their employment.

RESOLUTIONAuthorizing School Board Members' Attendance
at the MSBA Superintendent Search Workshop

RESOLVED, That Independent School District 709, St. Louis County, Minnesota, pay costs incurred, as per District policy, for school board members to attend the MSBA Superintendent Search Workshop in Duluth, MN, date to be determined.