

Policy Committee Meeting
Duluth Public Schools, ISD 709
Agenda
Thursday, August 15, 2024
District Services Center
709 Portia Johnson Dr.
Duluth, MN 55811
3:30 PM

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Adopted: _____

MSBA/MASA Model Policy 420

Orig. 1995

Revised: _____

Rev. 2022

420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS

[Note: School districts are not required by statute to have a policy addressing these issues. However, Minnesota Statutes section 121A.23 provides that school districts must have a program that incorporates the provisions contained in this policy.]

I. PURPOSE

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including, but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

II. GENERAL STATEMENT OF POLICY

A. Students

The policy of the school board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

The policy of the school board is that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally, and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.

2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The school **licensed nurse**, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular, and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Minnesota Commissioner of Health.

I. Prevention

The school district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually

transmitted diseases in accordance with Minnesota Statutes section 121A.23 that includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources, including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

J. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

Legal References: Minn. Stat. § 121A.23 (Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases)
Minn. Stat. § 144.441 (Tuberculosis Screening in Schools)
Minn. Stat. § 144.442 (Testing in School Clinics)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)
29 C.F.R. 1910.1030 (Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892 (1989)
School Board of Nassau County, Fla. v. Arline, 480 U.S. 273 (1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to
Hazardous Substances)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

~~4055 COMMUNICABLE DISEASE~~

~~Regarding reportable communicable disease, the School District shall follow Chapter 4605 of the Minnesota Rules of the Minnesota Department of Health effective June 3, 1985. This policy applies generally to cases, suspected cases, and deaths from communicable diseases and syndromes, as well as reporting of disease and disease control. This policy is exclusive of HIV Infection (Refer to Policy 4065, HIV Infection).~~

~~Guidelines for determining employees' inclusion or exclusion from work shall follow current recommendations from the St. Louis County Health Department, the Minnesota Department of Health, the Minnesota Department of Education, and the U. S. Public Health Center for Disease Control.~~

~~References: MN State Rules Chap 4735.0100-4735.0300
MS 144.05, 144.0742, 144.12 and 144.45
MS 13.38~~

~~Adopted: 09-12-1988 ISD 709~~

~~Revised: 07-17-1990~~

~~06-20-1995 ISD 709~~

~~4065 HIV INFECTION~~

~~The School Board recognizes that the epidemic of AIDS has the potential to interfere with the educational process, both for those infected with HIV and for those who lack knowledge that there is no evidence that the virus is transmitted in casual contact settings such as schools. Furthermore, education is the primary vehicle for prevention of this disease. Therefore, the role of the educational system is to respect the rights of individuals with HIV infection to education, to privacy, and to be free from discrimination; to respect the rights of others in the system to be educated and to work in a safe environment; and to educate administrators, staff, and students about preventing and reducing the risk of HIV transmission.~~

1. Fiscal Management

~~The School District may accept funds for the development and implementation of AIDS prevention and risk reduction programs from public and private sources including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.~~

2. Student Services

~~a. Access. Student services will be readily available so that staff and students can receive specific information regarding HIV infection, counseling, and assistance in locating and using health services and social services.~~

~~b. Handicap/Disability. Each student with HIV infection is considered handicapped according to Section 504 of the federal Vocational Rehabilitation Act. The need for the development of an Individual Education Plan (IEP) shall be determined according to policies governing eligibility for special education services. If an Individual Health Plan (IHP) is developed which relates to educational objectives of the IEP, the IHP is to be included in the IEP.~~

3. Facility Development/System-Wide Issues

~~a. Discrimination/Harassment. Discrimination, hostility or intimidation or offensive behavior is not permitted against any staff member or student with HIV infection.~~

~~b. Data Privacy/Confidentiality. The district protects the privacy rights of staff and learners of all ages. Therefore, knowledge that a specific staff or student is HIV infected will be shared only with permission of the adult or, for a minor child, the parent or guardian.~~

~~c. Local District Support Team. The School District shall establish a Local District Support Team comprised of qualified persons identified by the Superintendent to assist in preparing the School District's response when learning that a student or staff member is infected with HIV. Members may include, in addition to the Superintendent, the Chairperson of the School Board, School District attorney, a building principal, classroom teacher, and the licensed school nurse. The Community Health Services HIV~~

~~Resource person and a member of the local HIV Task Force may also be members.~~

~~d. Screening/Testing for the Presence of HIV. Mandatory screening for HIV (such as the HIV antibody test) as a condition of employment or enrollment is not warranted.~~

~~e. Safety Precautions. Universal precautions for handling all blood and body fluids according to Centers for Disease Control (CDC) guidelines will be implemented.~~

4. Personnel

~~a. Employment of Personnel with HIV Infection.~~

~~Employees who are HIV infected will continue their employment and regular assignments. If their health status interferes with performance of essential job functions, then employees have the right to reasonable accommodation. Current CDC Recommendations for Preventing Transmission of HIV in the Workplace are to be followed.~~

~~b. Information about HIV Aids, Other Chronic Infectious Diseases and Communicable Diseases for School Personnel~~

~~(1) In-service training will be provided to all personnel, drawing on School District and community public health resources. Information will include School District policies, etiology of diseases, transmission of diseases, universal precautions, prevention, risk reduction, and community resources for information and referral. Periodic updates will be provided through in-service or memoranda.~~

~~(2) In accordance with federal and state data privacy requirements, educators will be notified about students with chronic infectious diseases only as it is necessary to provide an appropriate education for students.~~

5. Curriculum and Instruction

~~a. Sexual Health and Responsibility~~

~~(1) Early Childhood and Elementary: Students in early childhood, primary, and intermediate grades will receive instruction in sexual health and responsibility, including age-appropriate information about anatomy and physiology; rights and responsibilities of individuals to make personal choices in behavior and relationships; and information about sexually transmitted diseases, including HIV infection, in answer to questions and concerns.~~

~~(2) High School, Middle School, and Adult Learners: Middle school, senior high, and adult learners will receive instruction in sexual health and responsibility, including information on anatomy and physiology; rights and responsibilities of individuals to make personal choices in behavior and relationships; respect for the choices of individuals; and specific information about sexually transmitted diseases, including~~

~~AIDS, and including prevention, risk reduction, and access to community resources. Programs will be planned and implemented in coordination with community resources.~~

~~b. Chemical Health and Responsibility. Learners of all ages will have specific instruction about the risks of chronic infectious diseases such as HIV infection and Hepatitis B incorporated into the chemical health and responsibility curriculum. Also, the effects of chemical use on decisions and behavior related to the risk of HIV transmission will be addressed.~~

~~c. Equity Education. Learners of all ages will review concepts of the rights of individuals, including data privacy rights, tolerance of differences in lifestyle, and how fear and lack of information can lead to prejudice or other forms of minimizing the rights of individuals. AIDS and other chronic infectious diseases will be included.~~

6. Students

a. Student Health and Welfare

~~(1) Communicable or Chronic Infectious Disease. A procedure for minimizing interruptions to learning from communicable or chronic infectious diseases will be established by the school nurse in consultation with school administrators, and community public and private health care providers.~~

~~(2) Enrollment and Attendance of Students with HIV Infection. Any student who is HIV infected will continue his/her education in the regular classroom setting unless health status interferes with performance. Determinations for special precautions and needs will be made on a case-by-case basis in consultation with the person's physician, community health agency, and/or the Minnesota Department of Health. The most current MDH Guidelines for School Placement for Children and Adolescents with HIV Infections are adopted.~~

~~(3) Early Childhood Education and Day Care Settings for Young Children Infected with HIV. In accordance with the Minnesota Department of Health Guidelines for Children in Day Care Settings, children who are known to have HIV infection and do not pose a potential increased risk of transmission shall be allowed to attend day care and early childhood programs in an unrestricted manner. HIV infected children who pose a potential increased risk of exposing others to blood should be evaluated for attendance on a case-by-case basis by public health authorities and clinicians involved in the child's care. In addition, assessment of the risk to the immune-suppressed child of developing severe complications or infections should be assessed by the child's physician. Determinations for special precautions and needs will be made on a case-by-case basis and reviewed periodically as the child's development and self-care skills change. Due to the frequent and easy transmission of all germs in the day care setting, environmental precautions for handling body fluids will be carefully implemented.~~

~~(4) Students with Special Health Problems. Procedures to minimize the interference of acute and chronic health problems with learning will be established. These procedures will address identification of health problems and the impact on learning and growing, development and implementation of an individualized health plan, and communication with the primary health care provider.~~

~~7. **School Community Relations**~~

~~a. **A School Health/Human Services Advisory Committee.** A committee or task force will be established to review the district AIDS-related curricula and policies on a regular basis. Sexual and chemical health curricula will be reviewed to ensure appropriate content, support effective instruction strategies, and offer community expertise to teachers and school nurses.~~

~~b. **Community Network.** Staff will collaborate with public and private organizations involved in AIDS prevention to facilitate effective program development and ensure access to needed health and social services.~~

~~8. **Relationship to Other Education Agencies**~~

~~Cooperation and coordination between other school districts and ECSUs will be encouraged when designing and implementing an AIDS prevention and risk reduction program.~~

~~Adopted: 07-17-1990 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

~~5130 COMMUNICABLE DISEASES AND HANDLING BODY FLUIDS~~

~~The School District policy regarding reportable communicable disease shall follow Minnesota State Statute 4605.700 through 4735.030, effective June 3, 1985. Non-reportable diseases will follow the Minnesota Department of Public Health recommendations (MCAR 1.322—Minnesota School Health Guide). This policy applies, generally, to cases, suspected cases, and deaths from communicable diseases and syndromes, as well as reporting of disease and disease control. This policy is exclusive of HIV Infection (see Policy 4065).~~

~~Procedures for inclusion or exclusion from school of students with communicable disease will consider the educational implications for the student and others. Current recommendations from the St. Louis County Health Department, the Minnesota Department of Health, the Minnesota Department of Education, and the U. S. Public Health Centers for Disease Control shall be used as guidelines.~~

~~Each school shall have readily available in the office the School District's Chart of Information on Communicable Diseases. This chart includes (1) the disease name, (2) symptoms, (3) time from exposure to illness, (4) school action and comments on communicability, and (5) source of infection and how it spreads.~~

~~Each school shall also have readily available the School District's Guidelines for Handling Body Fluids in School. These guidelines are intended to provide simple and effective precautions against transmission of disease for all persons potentially exposed to the blood or body fluids of any student.~~

~~A copy of the above mentioned charts and guidelines are available to any interested person simply by contacting the principal or administrator of any school in the School District.~~

~~Adopted: 06-10-1986 ISD-709~~

~~Revised: 07-17-1990~~

~~06-20-1995 ISD-709~~

Adopted: _____

Revised: _____

MSBA/MASA Model Policy 403

Orig. 1995

Rev. 2022

403 DISCIPLINE, SUSPENSION, AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES

I. PURPOSE

The purpose of this policy is to achieve effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

III. DISCIPLINE

A. Violation of School Laws and Rules

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state, and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;

2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
 1. oral warning;
 2. written warning or reprimand;
 3. probation;
 4. disciplinary suspension, demotion or leave of absence with pay;
 5. disciplinary suspension, demotion or leave of absence without pay; and
 6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. When any form of discipline is imposed, the employee's supervisor will:
1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time, and nature of the oral warning.
 2. Provide directives to the employee to correct the conduct or performance.
 3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee's personnel file.
 4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 5. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. The school district retains the right to immediately discipline, terminate, or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements when applicable.

Legal References: Minn. Stat. § 122A.40 (Employment; Contracts; Termination)
Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class)
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)
Minn. Stat. § 122A.58 (Coaches; Termination of Duties)
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts)
Minn. Stat. § 123B.143 (Superintendent)
Minn. Stat. § 123B.147 (Principals)
Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

Cross References: None

507.5 SCHOOL RESOURCE OFFICERS

I. PURPOSE

The purpose of this policy is to establish the contractual duties and training requirements of a school resource officer.

II. GENERAL STATEMENT OF POLICY

The school district, upon securing the services of one or more school resource officers, is committed to establishing the qualifications and duties required of these officers. Any contract for the services of a school resources officer with the school district must meet the requirements of this policy.

III. DEFINITIONS

- A. "School" means an elementary school, middle school or secondary school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13.
- B. "School Resource Officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

IV. CONTRACTUAL DUTIES

- A. A school resource officer's contractual duties with the school district shall include:
 - 1. fostering a positive school climate through relationship building and open communication;
 - 2. protecting students, staff, and visitors to the school grounds from criminal activity;
 - 3. serving as a liaison from law enforcement to school officials;
 - 4. providing advice on safety drills;
 - 5. identifying vulnerabilities in school facilities and safety protocols;
 - 6. educating and advising students and staff on law enforcement topics; and,
 - 7. enforcement of criminal laws.
- B. The school district may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph IV.A.
- C. A school resource officer must not use force or the authority of their office solely to enforce school rules or policies or participate in the enforcement of discipline for violations of school rules.
- D. Nothing in this Article limits any other duty or responsibility imposed on peace officers; limits the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect

the public as a whole.

V. TRAINING

- A. Except as provided for in paragraphs V.B., V.C., and V.D. below, beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in Minnesota Statutes, section 626.8482, subdivision 4 prior to assuming the duties of a school resource officer.
- B. A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated under paragraph V.A. above before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to Minnesota Statutes, section 626.8482, subdivision 4, paragraph (b), to satisfy the training requirement.
- C. If an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in Minnesota Statutes, section 626.8482, subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the officer's employer pursuant to section 626.8482, subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy.
- D. An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in Minnesota Statutes, section 626.8482 subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer.
- E. For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section.

Legal References: Minn. Stat. § 120A.05, subds. 9, 11, and 13 (Definitions)
Minn. Stat. § 123B.02, subd. 25 (General Powers of Independent School Districts – School Resource Officers)
Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)

First Reading: 06.18.24

Adopted: _____

MSBA/MASA Model Policy 507.5

Orig. 2024

Revised: _____

507.5 SCHOOL RESOURCE OFFICERS

[Note: The provisions of this policy substantially reflect statutory requirements. School districts utilizing school resource officers may choose to adopt this policy.]

I. PURPOSE

The purpose of this policy is to establish the contractual duties and training requirements of a school resource officer.

II. GENERAL STATEMENT OF POLICY

The school district, upon securing the services of one or more school resource officers, is committed to establishing the qualifications and duties required of these officers. Any contract for the services of a school resources officer with the school district must meet the requirements of this policy.

III. DEFINITIONS

- A. "School" means an elementary school, middle school or secondary school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13.
- B. "School Resource Officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

IV. CONTRACTUAL DUTIES

- A. A school resource officer's contractual duties with the school district shall include:
 - 1. fostering a positive school climate through relationship building and open communication;
 - 2. protecting students, staff, and visitors to the school grounds from criminal activity;
 - 3. serving as a liaison from law enforcement to school officials;
 - 4. providing advice on safety drills;
 - 5. identifying vulnerabilities in school facilities and safety protocols;
 - 6. educating and advising students and staff on law enforcement topics; and,
 - 7. enforcement of criminal laws.
- B. The school district may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph IV.A.
- C. A school resource officer must not use force or the authority of their office solely to

enforce school rules or policies or participate in the enforcement of discipline for violations of school rules.

- D. Nothing in this Article limits any other duty or responsibility imposed on peace officers; limits the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect the public as a whole.

V. TRAINING

- A. Except as provided for in paragraphs V.B., V.C., and V.D. below, beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in Minnesota Statutes, section 626.8482, subdivision 4 prior to assuming the duties of a school resource officer.
- B. A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated under paragraph V.A. above before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to Minnesota Statutes, section 626.8482, subdivision 4, paragraph (b), to satisfy the training requirement.
- C. If an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in Minnesota Statutes, section 626.8482, subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the officer's employer pursuant to section 626.8482, subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy.
- D. An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in Minnesota Statutes, section 626.8482 subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer.
- E. For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section.

Legal References: Minn. Stat. § 120A.05, subds. 9, 11, and 13 (Definitions)
Minn. Stat. § 123B.02, subd. 25 (General Powers of Independent School Districts – School Resource Officers)
Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)

~~1155 — POLICE DEPARTMENT RELATIONSHIP~~

~~The schools have an obligation to cooperate with police officers in law enforcement and crime prevention. A cooperative climate shall be maintained between School District officials and law enforcement agencies. The schools also have an obligation to protect the legal rights of children who are in their charge. The purpose of this statement of policy is to clarify the responsibility of the principal when police officers want to interrogate a pupil in the course of their investigation of some violation of the law or wish to take a pupil into custody.~~

- ~~1. When a regular Duluth police officer, in the line of duty, makes a demand that a pupil accompany him to police headquarters for questioning, this constitutes technical arrest, and no teacher or principal has a right to interfere. Full responsibility is assumed by the arresting officer. The principal should notify the parents promptly. The arresting officer shall sign a form signifying that he is taking the student into custody.~~
- ~~2. This policy shall apply only to regular officers of the Duluth Police Department. No child shall be surrendered to a "special police officer" serving a private organization. There are circumstances under which a peace officer from some other jurisdiction can make an arrest even without a warrant. If an officer from outside Duluth seeks to arrest a pupil without a warrant, the principal should immediately notify the Duluth Police Department, which will send one of its own officers to make the actual arrest.~~
- ~~3. Agents of the Federal Government, Postal Inspectors, Treasury agents, and agents of the Federal Bureau of Investigation also have the power of arrest. Normally, their contacts with the school will be for the purpose of investigation, and they cooperate with the local police in making arrests. However, on occasion this authority may be exercised directly, and when they feel it necessary to take a student into their custody, they should sign a blank stating this and leave it with the school.~~
- ~~4. A student may be questioned by a police officer at the school in the presence of the principal or some person designated by him. The same opportunity shall be given to members of the Arson Squad, the sheriff or his deputy, and agents of the Federal Government.~~
- ~~5. Occasionally, other kinds of requests may be made by a police officer. Examples are: requesting a child to be a witness, or requesting that a child accompany the officer to the scene of a crime. The parent should be contacted before granting such requests unless it is established that the parent or guardian has given written consent.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

~~2035 POLICE SCHOOL LIAISON OFFICERS~~

~~For the positions of Police School Officers, when mutually agreed upon by the School District and the City of Duluth, the candidates shall be selected by the Chief of Police, recommended by the Superintendent of Schools, and approved by the School Board. The principal of the school affected will consult with the Superintendent relative to the recommendation being made. It must be understood by all parties involved in the selection process of Police School Liaison Officers that the office must have a particular interest in children and an aptitude for working with them.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

401 EQUAL EMPLOYMENT OPPORTUNITY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide equal employment and promotional opportunities for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for employee with a disability.

The School District, in accordance with all applicable federal, state, and local anti-discrimination laws, including Chapter 363A of Minnesota Statutes, will use approved traditional and non-traditional methods to recruit, employ, train, assign, transfer, retain, and to promote equity in employment of women, people of color and other legally protected characteristics.

- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every school district employee shall be responsible for following this policy.
- E. Refer to District [Policy 103 Complaints – Students, Employees, Parents, Other Persons](#) for complaint and grievance procedures.
- F. Any person having a question regarding this policy should discuss it with the ~~Senior Human Resource Manager in Human Resources~~ Executive Director of Human Resources and Operations, the Title IX Coordinator or the Section 504 Coordinator.

Title IX Coordinator:

~~Jeffrey Horton~~ Anthony Bonds, Assistant Superintendent

ISD 709, ~~HOCHS Room 203~~

~~215 N 1st Ave E~~ District Services Center

709 Portia Johnson Dr.

Duluth, MN ~~55802~~ 55811

218-336-8739

~~jeffrey.horton@isd709.org~~ anthony.bonds@isd709.org

Section 504 Coordinator:

~~Jeffrey Horton~~ Anthony Bonds, Assistant Superintendent

ISD 709, ~~HOCHS Room 203~~

~~215 N 1st Ave E~~ District Services Center

709 Portia Johnson Dr.

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~~jeffrey.horton@isd709.org~~ anthony.bonds@isd709.org

Claims of discrimination may also be pursued through the following agencies where appropriate:

U.S. Department of Education
Office for Civil Rights, Region V
500 W. Madison Street – Suite 1475
Chicago, IL 60661
Tel: 312-730-1560
TDD: 312-730-1609

MN Department of Human Rights
540 Fairview Ave N, Ste. 201
St. Paul, MN 55104
800.657.3704
651.296.5663
TDD 651.296.1283

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

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)
MSBA/MASA Model Policy 405 (Veteran's Preference)
MSBA/MASA Model Policy 413 (Harassment and Violence)

Replacing: Policy 4010
First Reading: 10-16-2018
Second Reading: 11-20-2018
Adopted: 11-20-2018
First Reading: 07-16-2019
Second Reading: 08-20-2019
Reviewed:

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- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every school district employee shall be responsible for following this policy.
- E. Refer to District [Policy 103 Complaints – Students, Employees, Parents, Other Persons](#) for complaint and grievance procedures.
- F. Any person having a question regarding this policy should discuss it with the Senior Human Resource Manager in Human Resources, **the Title IX Coordinator or the Section 504 Coordinator**.

*Title IX Coordinator:
Jeffrey Horton, Assistant Superintendent
ISD 709, HOCHS Room 203
215 N 1st Ave E
Duluth, MN 55802
218-336-8739
jeffrey.horton@isd709.org*

Section 504 Coordinator:

*Jeffrey Horton, Assistant Superintendent
ISD 709, HOCHS Room 203
215 N 1st Ave E
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Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)

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MSBA/MASA Model Policy 413 (Harassment and Violence)

Replacing:	Policy 4010
First Reading:	10-16-2018
Second Reading:	11-20-2018
Adopted:	11-20-2018
First Reading:	07-16-2019
Second Reading:	08-20-2019

802 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL

I. PURPOSE

The purpose of this policy is to provide guidelines for the superintendent to assist in timely disposition of obsolete equipment and material.

II. GENERAL STATEMENT OF POLICY

Effective use of school building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material.

III. DEFINITIONS

- A. "Contract" means an agreement entered into by the school district for the sale of supplies, materials, or equipment.
- B. "Official newspaper" is a regular issue of a qualified legal newspaper.

IV. MANNER OF DISPOSITION

A. Authorization

The superintendent shall be authorized to dispose of obsolete equipment and materials by selling it at a fair price consistent with the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the school board. The superintendent shall be authorized to properly dispose of used books, materials, and equipment deemed to have little or no value.

B. Contracts Over \$175,000

1. If the value of the equipment or materials is estimated to exceed \$175,000, sealed bids shall be solicited by two weeks' published notice in the official newspaper. This notice shall state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in the official newspaper or elsewhere may be made as the school board shall deem necessary.
2. The sale shall be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law.
3. A record shall be kept of all bids, with names of bidders and amounts of bids, and an indication of the successful bid. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the highest responsible bid shall be rejected unless the alteration or erasure is corrected by being crossed out and the correction printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid.
4. In the case of identical high bids from two or more bidders, the school board may, at its discretion, utilize negotiated procurement methods with the tied high bidders so long as the price paid does not go below the high tied bid price. In the case where only a single bid is received, the school board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not fall below the original bid. If no satisfactory bid is received, the board may readvertise.

5. All bids obtained shall be kept on file for a period of at least one year after their receipt. Every contract made without compliance with the foregoing provisions shall be void.
6. Data submitted by a business to a school in response to a request for bids are private until opened. Once opened, the name of the bidder and the dollar amount specified become public; all other data are private until completion of the selection process, meaning the school has completed its evaluation and ranked the responses. After completion of the selection process, all data submitted by all bidders are public except trade secret data. If all responses are rejected prior to completion of the selection process, all data remain private, except the name of the bidder and the dollar amount specified which were made public at the bid opening for one year from the proposed opening date or until resolicitation results in completion of the selection process or until a determination is made to abandon the purchase, whichever occurs sooner, at which point the remaining data becomes public. Data created or maintained by the school district as part of the selection or evaluation process are protected as nonpublic data until completion of the selection or evaluation process. At that time, the data are public with the exception of trade secret data.

C. Contracts From \$25,000 to \$175,000

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$175,000, the contract may be made either upon sealed bids in the manner directed above or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding notice. All quotations obtained shall be kept on file for a period of at least one year after receipt.

D. Contracts \$25,000 or Less

If the amount of the sale is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, in the discretion of the school board. The sale in the open market may be by auction. If the contract is made on quotation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after receipt.

E. Electronic Sale of Surplus Supplies, Materials, and Equipment

Notwithstanding the other procedural requirements of this policy, the school district may contract to sell supplies, materials, and equipment which is surplus, obsolete, or unused through an electronic selling process in which purchasers compete to purchase the supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

F. Notice of Quotation

Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.

G. Sales to Employees

No officer or employee of the school district shall sell or procure for sale or possess or control for sale to any other officer or employee of the school district any property or materials owned by the school district unless the property and materials are not needed for public purposes and are sold to a school district employee after reasonable public notice, at a public auction or by sealed response, if the employee is not directly involved in the auction or sale process. Reasonable notice shall include at least one

week's published or posted notice. A school district employee may purchase no more than one motor vehicle from the school district at any one auction. This section shall not apply to the sale of property or materials acquired or produced by the school district for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the school district from selling or possessing for sale public property if the sale or possession for sale is in the ordinary course of business or the normal course of the employee's duties.

H. Exceptions for Surplus School Computers

1. A school district may bypass the requirements for competitive bidding and is not subject to any other laws relating to school district contracts if it is disposing of surplus school computer and related equipment, including a tablet device, by conveying the property and title to:
 - a. another school district;
 - b. the state department of corrections;
 - c. the board of trustees of Minnesota State Colleges and Universities;
 - d. the family of a student residing in the district whose total family income meets the federal definition of poverty; or
 - e. a charitable organization under section 501(c)(3) of the Internal Revenue Code that is registered with the attorney general's office for educational use.
2. If surplus school computers are not disposed of as described in Paragraph 1., upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, the school district may sell or give used computers or tablets to qualifying students at the price specified in the written resolution. A student is eligible to apply to the school board for a computer or tablet under this subdivision if the student is currently enrolled in the school and intends to enroll in the school in the year following the receipt of the computer or tablet. If more students apply for computers or tablets than are available, the school must first qualify students whose families are eligible for free or reduced-price meals and then dispose of the remaining computers or tablets by lottery.

Legal References: Minn. Stat. § 13.591 (Business Data)
Minn. Stat. § 15.054 (Public Employees Not to Purchase Merchandise from Governmental Agencies; Exceptions; Penalty)
Minn. Stat. § 123B.29 (Sale of School Building at Auction)
Minn. Stat. § 123B.52 (Contracts)
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)
Minn. Stat. § 471.85 (Property Transfer; Public Corporations)
Minn. Stat. § 645.11 (Published Notice)

Cross References: MSBA Service Manual, Chapter 13, School Law Bulletin "F" (School District Contract and Bidding Procedures)

First Reading: ~~April 26, 2022~~ 04.26.22
Second Reading: ~~May 17, 2022~~ 05.03.22
Adopted: 05.17.22
Reviewed:

708 TRANSPORTATION OF NONPUBLIC SCHOOL STUDENTS

I. PURPOSE

The purpose of this policy is to address transportation rights of nonpublic school students and to provide equality of treatment in transporting such students pursuant to law.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to recognize the rights of nonpublic school students and to provide equal transportation to those students as required by law.

III. ELIGIBILITY

- A. The school district shall provide equal transportation within the district for all students to any school when transportation is deemed necessary by the school district because of distance or traffic conditions in like manner and form as provided in Minnesota Statutes, sections 123B.88 and 123B.92 when applicable.
- B. Upon the request of a parent or guardian, the school district must provide school bus transportation to the school district boundary for students residing in the school district at least the same distance from a nonpublic school actually attended in another school district as public school students are transported in the transporting school district. Such transportation must be provided whether there is or is not another nonpublic school within the transporting school district, if the transportation is to schools maintaining grades or departments not maintained in the school district or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means.
- C. The school district may provide school bus transportation to a nonpublic school in another school district for students residing in the school district and attending that school, whether there is or is not another nonpublic school within the transporting school district, if the transportation is to schools maintaining grades or departments not maintained in the school district or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means. If the school district transports students to a nonpublic school located in another school district, the nonpublic school ~~shall~~ must pay the cost of such transportation provided outside the school district boundaries.
- D. The school district must provide the necessary transportation within school district boundaries between the nonpublic school and a public school or neutral site for nonpublic school students who are provided pupil support services if the school district elects to provide pupil support services at a site other than a nonpublic school.
- E. When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of students, and any other matter relating thereto shall be within the sole discretion, control, and management of the school district. A nonpublic or charter school student transported by the school district shall comply with school district student bus conduct and student bus discipline policies.
- F. The school board and a nonpublic school may mutually agree to a written plan for the board to provide nonpublic pupil transportation to nonpublic school students. The school district must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred in the form and manner specified by the Minnesota Commissioner of Education.
- G. If the school board provides pupil transportation through the school's employees, the school board may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under Minnesota Statutes, sections 123B.84 to 123B.87.

- H. A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for the purposes of paying the school bus contractor. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under Minnesota Statutes, sections 123B.84 to 123B.87.
- I. Additional transportation to and from a nonpublic school may be provided at the expense of the school district where such services are provided in the discretion of the school district.

IV. STUDENTS WITH DISABILITIES

- A. If a resident student with a disability attends a nonpublic school located within the school district, the school district must provide necessary transportation for the student within the school district between the nonpublic school and the educational facility where special instruction and services are provided on a shared-time basis. If a resident student with a disability attends a nonpublic school located in another school district and if no agreement exists for the provision of special instruction and services on a shared time basis to that student by the school district of attendance and where the special instruction and services are provided within the school district, the school district ~~shall~~ **must** provide necessary transportation for that student between the school district boundary and the educational facility. The school district may provide necessary transportation for that student between its boundary and the nonpublic school attended, but the nonpublic school ~~shall~~ **must** pay the cost of transportation provided outside the school district boundary. School districts may make agreements for who provides transportation. Parties serving students on a shared time basis have access to a due process hearing system as provided by law.
- B. When the disabling conditions of a student with a disability 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, the student 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 conditions and applicable laws. This section shall not be applicable to parents who transport their own child under a contract with the school district.
- C. Each driver and aide assigned to a vehicle transporting students with a disability must (1) be instructed in basic first aid and procedures for the students in their care; (2) within one month after the effective date of assignment, participate in a program of in-service training on the proper methods of dealing with the specific needs and problems of students with disabilities; (3) assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and (4) ensure that proper safety devices are in use and fastened properly.
- D. Each driver and aide assigned to a vehicle transporting students with a disability shall have available to them the following information in hard copy or immediately accessible through a two-way communication system: (1) the student's name and address; (2) the nature of the student's disabilities; (3) emergency health care information; and (4) the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.
- E. Any parent of a disabled student who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the due process procedures provided for in Minnesota Statutes chapter 125A.

V. APPLICATION OF GENERAL POLICY

The provisions of the school district's policy on transportation of public school students [*Model Policy 707*] shall apply to the transportation of nonpublic school students except as specifically provided herein.

Legal References: Minn. Stat. § 123B.44 (Provision of Pupil Support Services)
Minn. Stat. § 123B.84 (Policy)
Minn. Stat. § 123B.86 (Equal Treatment)
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)
Minn. Stat. § 123B.91, Subd. 1a (School District Bus Safety Requirements)
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
Minn. Stat. Ch. 125A (Special Education and Special Programs)
Minn. Stat. § 125A.18 (Special Instruction; Nonpublic Schools)
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disability)
Americans United, Inc. as Protestants and Other Am. United for Separation of Church and State, et al. v. Independent Sch. Dist. No. 622, et al., 288 Minn. 1996, 179 N.W.2d 146 (Minn. 1970)
Eldredge v. Independent Sch. Dist. No. 625, 422 N.W.2d 319 (Minn. Ct. App. 1988)
Healy v. Independent Sch. Dist. No. 625, 962 F.2d 1304 (8th Cir. 1992)
Minn. Op. Atty. Gen. 166a-7 (June 3, 1983)
Minn. Op. Atty. Gen. 166a-7 (Sept. 14, 1981)
Minn. Op. Atty. Gen. 166a-7 (July 15, 1976)
Minn. Op. Atty. Gen. 166a-7 (July 17, 1970)
Minn. Op. Atty. Gen. 166a-7 (Oct. 3, 1969)
Minn. Op. Atty. Gen. 166a-7 (Sept. 12, 1969)

Cross References: MSBA/MASA Model Policy 707 (Transportation of Public School Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

First Reading: 06-21-2016
Adopted: 07-19-2016
Revised: 11-21-2023
Revised:

615 TESTING ACCOMMODATIONS, MODIFICATIONS, AND EXEMPTIONS FOR IEPs, SECTION 504 PLANS, AND LEP STUDENTS

I. PURPOSE

The purpose of the policy is to provide adequate opportunity for students identified as having individualized education program (IEP), Rehabilitation Act of 1973, § Section 504 accommodation plan (504 plan), or English Learner (EL) needs to participate in statewide assessment systems designed to hold schools accountable for the academic performance of all students.

II. GENERAL STATEMENT OF POLICY

A. Minnesota Test of Academic Skills (MTAS)

1. The school district will utilize the existing annual review of IEPs or 504 plans to review, on a case-by-case basis, and determine how a student with a disability will participate in statewide testing.
2. Participation decisions will be made separately for mathematics, reading, and science. The assessment options are the Minnesota Comprehensive Assessment (MCA) and the MTAS.
3. Eligibility Requirements
 - a. The following requirements must be met for a student with a significant cognitive disability to be eligible for the MTAS:
 - (1) The IEP team must consider the student's ability to access the MCA, with or without accommodations;
 - (2) The IEP must review the student's instructional program to ensure that the student is receiving instruction linked to the general education curriculum to the extent appropriate. If instruction is not linked to the general education curriculum, the IEP team must review the student's goals and determine how access to the general curriculum will be provided;
 - (3) The IEP team determined the student's cognitive functioning to be significantly below age expectations. The team also determined that the student's disability has a significant impact on his or her ability to function in multiple environments, including home, school, and community;
 - (4) The IEP team determined that the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively participate in school, work, home, and community environments;
 - (5) The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate measure of the student's academic progress and how the student would participate in statewide testing.

- b. MTAS participation decisions must not be made on the following factors:
 - (1) Student's disability category;
 - (2) Placement;
 - (3) Participation in a separate, specialized curriculum;
 - (4) An expectation that the student will receive a low score on the MCA;
 - (5) Language, social, cultural, or economic differences;
 - (6) Concern for accountability calculations.

B. Alternate ACCESS for ELs

- 1. The school district will utilize the existing annual review of IEPs or 504 plans to review, on a case-by-case basis, and determine how an identified EL student with a disability will participate in statewide testing.
- 2. Eligibility Requirements
 - a. The student must be identified as EL in MARSS in order to take an English language proficiency assessment.
 - b. The student must have a significant cognitive disability. If the student has been identified as eligible to take the MTAS in mathematics, reading, or science, the student meets this criterion.
 - c. For students in grades that the MTAS is not administered:
 - (1) the student must have cognitive functioning significantly below age level;
 - (2) the student's disability must have a significant impact on his or her ability to function in multiple environments, including home, school, and community; and
 - (3) the student needs explicit and intensive instruction and/or extensive supports in multiple settings to acquire, maintain, and generalize academic and life skills in order to actively participate in school, work, home, and community environments.
 - d. The IEP team must consider the student's ability to access the ACCESS, with or without accommodations.
 - e. The IEP team must document, in the IEP, reasons the MCA is or is not an appropriate English language proficiency assessment for the student.
- 3. Alternate ACCESS participation decisions must not be made on the following factors:

- a. Student's disability category;
- b. Participation in a separate, specialized curriculum;
- c. Current level of English language proficiency;
- d. The expectation that the student will receive a low score on the ACCESS for ELs;
- e. Language, social, cultural, or economic differences;
- f. Concern for accountability calculations.

C. EL Students New to the United States

EL students new to the United States will take all assessments, including all academic assessments (math, reading, and science), as well as the English Language Proficiency Assessment (ACCESS).

III. DEFINITION OF TERMS

See the current "Procedures Manual for the Minnesota Assessments" which is produced by the Minnesota Department of Education and available through minnesota.pearsonaccessnext.com/policies-and-procedures.

IV. GRANTING AND DOCUMENTING ACCOMMODATIONS, MODIFICATIONS, OR EXEMPTIONS FOR TESTING

See Chapter 5 of the current "Procedures Manual for the Minnesota Assessments" and ~~2020-21~~ Guidelines for Administration of Accommodations and Linguistic Supports <http://minnesota.pearsonaccessnext.com/resources/resources-training/manuals/Guidelines%20for%20Accomm-2020-21.pdf>

V. RECORDS

All test accommodations, modifications, or exemptions shall be reported to the school district test administrator. The school district test administrator shall be responsible for keeping a list of all such test accommodations, modifications, and exemptions for school district audit purposes. Testing results will be documented and reported.

Legal References: Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement ~~Goals~~; Striving for ~~Comprehensive Achievement and Civic Readiness the World's Best Workforce~~)
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)
Minn. Stat. § 125A.08 (Individualized Education Programs)
Minn. Rules Parts 3501.06~~6040-3501.0655~~ (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.09~~6055~~ (Academic Standards in Science)

Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)
Eligibility Requirements for the Minnesota Test of Academic Skills (MTAS),
<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mda2/~edisp/006087.pdf>
Alternate ACCESS for ELLs Participation Guidelines,
<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mdq5/~edisp/049763.pdf>

Cross References: MSBA/MASA Model Policy 104 (School District Mission Statement)
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
MSBA/MASA Model Policy 616 (School District System Accountability)

First Reading: 05.17.22 ~~May 3, 2022~~
Second Reading: 06.07.22 ~~June 21, 2022~~
Adopted: 06.21.22
Reviewed:

604 INSTRUCTIONAL CURRICULUM

I. PURPOSE

The purpose of this policy is to provide for the development of course offerings for students.

II. GENERAL STATEMENT OF POLICY

- A. Instruction must be provided in at least the following subject areas:
1. basic communication skills including reading and writing, literature, and fine arts;
 2. mathematics and science;
 3. social studies, including history, geography, economics, government, and citizenship ~~that includes civics (see II.I.);~~
 4. health and physical education;
 5. ~~t~~The arts;
 6. ~~c~~Career and technical education; and
 7. ~~w~~World languages.
- B. The basic instructional program shall include all courses required for each grade level by the Minnesota Department of Education (MDE) and courses required in all elective subject areas. The instructional approach will be nonsexist and multicultural.
- C. Public elementary and middle schools must offer at least three and require at least two, of the following five art areas: dance, media arts, music, theater, and visual arts. High schools shall offer at least three, and require at least one, of the following five arts areas: dance, media arts, music, theater, and visual arts.
- D. The school district must establish and regularly review its own standards for career and technical education (CTE) programs. Standards must align with CTE frameworks developed by the Department of Education, standards developed by national CTE organizations, or recognized industry standards.
- E. The school board, at its discretion, may offer additional courses in the instructional program at any grade level.
- F. Each instructional program shall be planned for optimal benefit taking into consideration the financial condition of the school district and other relevant factors. Each program plan should contain goals and objectives, materials, minimum student competency levels, and methods for student evaluation.
- G. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to instructional curriculum.
- H. The school district ~~or charter school~~ may not discriminate against or discipline a teacher or principal on the basis of incorporating into curriculum contributions of persons in a federally protected class or state protected class when the included contribution is in alignment with standards and benchmarks adopted under Minnesota Statutes, sections 120B.021 and 120B.023.

III. REQUIRED ACADEMIC STANDARDS

- A. The following subject areas are required for statewide accountability:
1. language arts;
 2. mathematics, encompassing algebra II, integrated mathematics III, or an equivalent in high school, and to be prepared for the three credits of mathematics in grades 9 through 12, the grade 8 standards include the completion of algebra;
 3. science, including earth and space science, life science, and the physical sciences, including chemistry and physics;
 4. social studies, including history, geography, economics, and government and citizenship that includes civics;
 5. physical education;
 6. health, for which locally developed academic standards apply; and
 7. the arts.
- B. Elementary and middle schools must offer at least three and require at least two of the following five arts areas: dance, media arts, music, theater, and visual arts. High schools must offer at least three and require at least one of the following five arts areas: media arts, dance, music, theater, and visual arts.

[NOTE: Line 6. regarding locally developed health academic standard continues to be in effect. The 2024 Minnesota legislature enacted a change in health standards from local to state determination, as noted in Model Policy 613. It will likely take eighteen months or more for a state health standard to be finalized. Until that time, school districts should maintain their locally developed health academic standards. MSBA will alert school districts to update line 6. when the state standards are finalized.]

IV. PARENTAL CURRICULUM REVIEW

The school district shall have a procedure for a parent, guardian, or an adult student, 18 years of age or older, to review the content of the instructional materials to be provided to a minor child or to an adult student and, if the parent, guardian, or adult student objects to the content, to make reasonable arrangements with school personnel for alternative instruction. Alternative instruction may be provided by the parent, guardian, or adult student if the alternative instruction, if any, offered by the school board does not meet the concerns of the parent, guardian, or adult student. The school board is not required to pay for the costs of alternative instruction provided by a parent, guardian, or adult student. School personnel may not impose an academic or other penalty upon a student merely for arranging alternative instruction under this section. School personnel may evaluate and assess the quality of the student's work.

V. CPR AND AED INSTRUCTION

The school district will provide onetime cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) instruction as part of its grade 7 to 12 curriculum.

- A. In the school district's discretion, training and instruction may result in CPR certification.
- B. CPR and AED instruction must include CPR and AED training that have been developed:
 - 1. by the American Heart Association or the American Red Cross and incorporate psychomotor skills to support the instruction; or
 - 2. using nationally recognized, evidence-based guidelines for CPR and incorporate psychomotor skills to support the instruction. "Psychomotor skills" means hands-on practice to support cognitive learning; it does not mean cognitive-only instruction and training.
- C. The school district may use community members such as emergency medical technicians, paramedics, police officers, firefighters, and representatives of the Minnesota Resuscitation Consortium, the American Heart Association, or the American Red Cross, among others, to provide instruction and training.
- D. A school administrator may waive this curriculum requirement for a high school transfer student regardless of whether or not the student previously received instruction under this section, an enrolled student absent on the day the instruction occurred under this section, or an eligible student who has a disability.

VI. COLLEGE AND CAREER PLANNING

- A. The school district shall assist all students by no later than grade 9 to explore their educational college and career interests, aptitudes, and aspirations and develop a plan for a smooth and successful transition to postsecondary education or employment. All students' plans must:
 - 1. provide a comprehensive plan to prepare for and complete career and college-ready curriculum by meeting state and local academic standards and developing career and employment-related skills such as teamwork, collaboration, creativity, communication, critical thinking, and good work habits;
 - 2. emphasize academic rigor and high expectations and inform the student, and the student's parent or guardian if the student is a minor, of the student's achievement level score on the Minnesota Comprehensive Assessments that are administered during high school;
 - 3. help students identify interests, aptitudes, aspirations, and personal learning styles that may affect their career and college-ready goals and postsecondary education and employment choices;
 - 4. set appropriate career and college-ready goals with timelines that identify effective means for achieving those goals;
 - 5. help students access education and career options;
 - 6. integrate strong academic content into career-focused courses and applied and experiential learning opportunities and integrate relevant career-focused

courses and applied and experiential learning opportunities into strong academic content;

7. help identify and access appropriate counseling and other supports and assistance that enable students to complete required coursework, prepare for postsecondary education and careers, and obtain information about postsecondary education costs and eligibility for financial aid and scholarship;
 8. help identify collaborative partnerships among pre-kindergarten through grade 12 schools, postsecondary institutions, economic development agencies, and local and regional employers that support students' transitions to postsecondary education and employment and provide students with applied and experiential learning opportunities; and
 9. be reviewed and revised at least annually by the student, the student's parent or guardian, and the school district to ensure that the student's course-taking schedule keeps the student **on track for graduation**, making adequate progress to meet state and local academic standards and high school graduation requirements and with a reasonable chance to succeed with employment or postsecondary education without the need to first complete remedial course work.
- B. The school district may develop grade-level curricula or provide instruction that introduces students to various careers, but must not require any curriculum, instruction, or employment-related activity that obligates an elementary or secondary student to involuntarily select or pursue a career, career interest, employment goals, or related job training.
- C. Educators must possess the knowledge and skills to effectively teach all English learners in their classrooms. School districts must provide appropriate curriculum, targeted materials, professional development opportunities for educators, and sufficient resources to enable English learners to become career and college ready.
- D. When assisting students in developing a plan for a smooth and successful transition to postsecondary education and employment, school districts must recognize the unique possibilities of each student and ensure that the contents of each student's plan reflect the student's unique talents, skills, and abilities as the student grows, develops, and learns.
- E. If a student with a disability has an Individualized Education Program (IEP) or standardized written plan that meets the plan components herein, the IEP satisfies the requirement, and no additional transition plan is needed.
- F. Students who do not meet or exceed the Minnesota Academic Standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of the compulsory attendance law. A student's plan under this provision shall continue while a student is enrolled.

Legal References:

Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120B.20 (Parental Curriculum Review)
Minn. Stat. § 120B.021 (Required Academic Standards)
Minn. Stat. § 120B.022 (Elective Standards)
Minn. Stat. § 120B.023 (Benchmarks)
Minn. Stat. § 120B.101 (Curriculum)
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to

Postsecondary Education and Employment; Personal Learning Plans)

~~Minn. Stat. § 120B.20 (Parental Curriculum Review)~~

~~Minn. Stat. § 120B.021 (Required Academic Standards)~~

~~Minn. Stat. § 120B.022 (Elective Standards)~~

~~Minn. Stat. § 120B.023 (Benchmarks Implement, Supplement Statewide Academic Standards)~~

Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)

Minn. Stat. § 120B.236 (Cardiopulmonary Resuscitation and Automatic External Defibrillator Instruction)

Cross References: MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 605 (Alternative Programs)

Replacing:	Policies 6041, 6125, & 6130
First Reading:	02.29.2024
Second Reading:	03.19.2024
Adopted:	03.19.2024
Reviewed:	

521 STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

The purpose of this policy is to protect students with disabilities 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 (Section 504), need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

II. GENERAL STATEMENT OF POLICY

- A. Students with disabilities who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
 - B. The responsibility of the school district is to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.
 - C. 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 of such person's major life activities; or
 - 2. has a record of such an impairment; ~~or~~
 - 3. is regarded as having such an impairment; ~~or~~
 - 4. ~~has an impairment that is episodic or in remission and would materially limit a major life activity when active.~~
- [NOTE: The 2024 Minnesota legislature revised the definition of 'disability' in Minnesota Statutes, section 363.03, subdivision 12]
- D. 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.

III. COORDINATOR

Persons who have questions or comments should contact:

Anthony Bonds, Assistant Superintendent
4316 Rice Lake Road, Suite 108
Duluth, MN 55811
218-336-8739
anthony.bonds@isd709.org

This person is the school district's Americans with Disabilities Act/Section 504 coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination

Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

Legal References: Minn Stat. § 363A.03, Subd.12 (Definitions)

42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)

29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

34 C.F.R. Part 104 (Section 504 Implementing Regulations)

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

Adopted: 12-20-2016

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10-20-2020

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Second Reading: 03-21-2023

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Revised:

524.1R ARTIFICIAL INTELLIGENCE (AI) TOOL USE FOR STAFF

INTRODUCTION

Artificial intelligence (AI) presents significant opportunities to enhance K-12 education by providing innovative tools for educators. To ensure the ethical, secure, and effective use of AI within Duluth Public Schools, this regulation outlines guidelines for district staff.

APPROVED AI TOOLS

Google Gemini is the sole AI tool currently authorized for educational use within Duluth Public Schools. This tool has undergone rigorous evaluation to confirm its alignment with district standards for educational value, privacy compliance, and security.

ETHICAL USE OF AI

AI tools must be employed exclusively for district purpose and in strict adherence to district objectives.

- **Human Judgment:** Human oversight is indispensable in all AI-driven processes. AI cannot supplant professional judgment in decision-making.
- **Original Work:** AI-generated content should not replace original staff work. Any use of AI in creating educational materials or research must be explicitly disclosed.
- **Bias Mitigation:** Staff must be cognizant of potential biases inherent in AI tools and exercise critical judgment when interpreting AI-generated information or content.
- **Intellectual Property:** Staff are obligated to respect copyright laws and intellectual property rights when utilizing AI tools.
- **Student Privacy:** Stringent safeguards must be implemented to protect student privacy when employing AI tools..

DATA SECURITY

All staff members must adhere to state, federal, and district regulations governing data privacy and security.

- **Data Protection:** The sharing of student and staff personal data with AI tools is strictly prohibited.
- **Identifiable Information:** Disclosure of any identifiable information, including individuals, locations, or sites, to AI tools is forbidden.

STAFF TRAINING AND SUPPORT

The district will provide training to equip staff with the knowledge and skills necessary for the ethical and responsible use of AI tools. This training must be taken prior to AI tool access.

- **Guidance:** Staff members are encouraged to seek guidance from the Digital Innovation Specialist regarding AI-related questions or concerns.

CONSEQUENCES OF NON-COMPLIANCE

Misuse of AI tools, including breaches of data privacy or ethical guidelines, may result in the revocation of AI tool access.

REGULATION REVIEW AND UPDATES

This regulation will undergo periodic review to incorporate advancements in AI technology and emerging best practices.

By adhering to this regulation, Duluth Public Schools aims to harness the potential of AI while safeguarding student and staff privacy, maintaining ethical standards, and optimizing the learning experience.

NOTE

This regulation was drafted with the support of Google Gemini, a large language model, which provided information and suggestions based on a comprehensive analysis of relevant legal and educational frameworks. The final document represents the collaborative efforts of the Educational Technology and Innovation Coordinator, the Technology Team and AI technology.

MSBA Policies that were adopted/updated/reviewed between July 1, 2023 - June 30, 2024

100 Series

102 Equal Educational Opportunity

103 Complaints - Students, Employees, Parents, Other Persons

200 Series

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

203.2 Order of the Regular School Board Meeting

203.5 School Board Meeting Agenda

203.6 Consent Agendas

204 School Board Meeting Minutes

205 Open Meetings and Closed Meetings

206 Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations

207 Public Hearings

209 Code of Ethics

210 Conflict of Interest

211 Criminal or Civil Action Against School District, School Board Member, Employee, or Student

212 School Board Member Development and Travel Expense

213 School Board Committees

214 Out of State Travel by School Board Members

400 Series

418 Drug-Free Workplace/Drug-Free School

419 Tobacco-Free Environment

428 Probationary Teacher Evaluation

500 Series

503 Student Attendance
504 Student Dress and Appearance
505 Distribution of NonSchool-Sponsored Materials on school Premises by Students and Employees
506 Student Discipline
507 Corporal Punishment
507 Corporal Punishment and Prone Restraint
513 Student Promotion, Retention, and Program Design
509 Enrollment of Nonresident Students
516 Student Medication
516.5 Overdose Medication
534 School Meals Policy
539 Counseling Regarding pre-Career and Technical Programs

600 Series

602 Organization of School Calendar and School Day
604 Instructional Curriculum
606 Textbooks and Instructional Materials
606.5 Library materials

700 Series

709 Transportation of Nonpublic School Students
722 Public Data and Data Subject Requests
725 Requests for Proposals

800 Series

811 Playground Installation and Maintenance

900 Series

902 Use of School District Facilities and Equipment
904 Distribution of Materials on School District Property by Non-School Persons