



**School District 622**

NORTH ST. PAUL | MAPLEWOOD | OAKDALE

*Ready for tomorrow*

# SCHOOL BOARD MEETING

## Regular Meeting

**August 20, 2019  
6:00 PM**

**Board Members:**

Caleb Anderson, Treasurer  
Theresa Augé, Clerk  
Steve Hunt, Director  
Benjamin Jarman, Director  
Nancy Livingston, Vice Chair  
Becky Neve, Director  
Michelle Yener, Chair

**Superintendent:**

Christine Tucci Osorio

622 Education Center  
2520 East 12<sup>th</sup> Avenue  
North St. Paul, Minnesota 55109

*District Mission Statement:*

*We commit each day to develop and empower lifelong learners who thrive in diverse communities.*

**SCHOOL BOARD  
INDEPENDENT SCHOOL DISTRICT 622  
North St. Paul-Maplewood-Oakdale**

**Regular Meeting  
August 20, 2019  
6:00 PM**

**District Education Center, 2520 East 12th Avenue, North St. Paul**

**A G E N D A**

**I. Call to Order and Pledge of Allegiance**

**II. Approval of the Agenda**

**III. Public Comment**

*An opportunity for public to comment on items. Speakers shall complete a registration card, state their name and address, and will have between two and four minutes, depending on the number of speakers, to speak on a topic. The Public Comment section of the meeting shall last no longer than thirty minutes.*

**IV. Consent Agenda**

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*The Consent Agenda consists of routine items that are acted on in a single, consolidated motion without Board discussion. Board members have the option of pulling items off the Consent Agenda if they wish to discuss them or consider them individually.*

***\*I recommend that the consent agenda items, listed below, be approved as presented.***

A. Minutes of July 23, 2019 Business Meeting

8

B. Minutes of July 23, 2019 Closed Session

11

C. Minutes of August 6, 2019 Work Study Session

12

D. Routine Personnel

14

E. Disbursements

18

**V. Reports**

A. Superintendent - *Tucci Osorio*

- 1. Recognition of Terri Johnson
- 2. Facilities 22
- 3. Policies 33

*This is our first formal reading of the policies that were shared with you at the August 6 work session. Your suggested revisions have been reviewed by Cabinet and legal counsel, incorporated into policy if applicable, and any comments regarding revisions to the original proposals are indicated in blue on the policy summary sheet.*

*After this evening's discussion, any recommendations will be reviewed by legal counsel and policies will be revised as necessary. We will have a second formal reading and propose action at the September 24 business meeting.*

a. Rescind Policies

- 1) L-060 (Mismanagement of Resources & Inadequate Asset Protection) 39
- 2) L-061 (Inadequate Budget Planning & Management) 40
- 3) L-062 (Unethical, Unprofessional Financial Processes) 41

b. Adopt Policy

- 1) 535 (Gender Inclusion) 42

c. Revise Policies

- 1) 103 (Complaints - Students, Employees, Parents, Other Persons) 46
- 2) 205 (Open Meetings & Closed Meetings) 48
- 3) 208 (Policy Stewardship) 55
- 4) 209 (Board Code of Conduct & Ethics) 58
- 5) 402 (Disability Nondiscrimination Policy) 62
- 6) 410 (Family & Medical Leave) 64

7) 413 (Harassment & Violence)	72
8) 416 (Drug & Alcohol Testing)	81
9) 419 (Tobacco-Free Environment)	103
10) 421 (Gifts to and Solicitation by Employees & School Board Members)	106
11) 423 (Employee-Student Relationships)	109
12) 503 (Student Attendance)	113
13) 505 (Distribution of Non-School-Sponsored Materials)	121
14) 506 (Student Discipline)	127
15) 521 (Student Disability Nondiscrimination)	143
16) 522 (Student Sex Nondiscrimination - Title IX)	145
17) 524 (Internet Acceptable Use)	149
18) 529 (Staff Notification of Violent Behavior by Students)	157
19) 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)	162
20) 603 (Curriculum Development)	167
21) 616 (School District System Accountability)	170
22) 618 (Assessment of Student Achievement)	177
23) 624 (Online Learning Options)	184
24) 714 (Fund Balance)	189

B. School Board - *Yener*

1. Superintendent's Evaluation

*You evaluated me at the July 23 closed session. Statute requires you to give a summary of that evaluation at the next board meeting. Michelle will share an executive summary of my evaluation at this meeting.*

**VI. Action Items**

A. Business Office

1. Acknowledgment of Contributions - Neve 192  
*\*I recommend that the contributions, with a total of \$50,163.77 for the 2019-2020 fiscal year, be approved.*

2. Resolution Providing for the Sale of General Obligation School Building & Facilities Maintenance Bonds Series 2019A- R. Anderson 193  
*The two resolutions that you will review and approve are the financing plan for Phase 2 of our Facilities Plan. The sources are \$200 million of voter approved bonds and \$65 million in Long-Term-Facilities Maintenance bonds. As mentioned at the work session, we will have to approve an update 10-year facilities plan at our September business meeting. The Commissioner of Education has approved the financing for the projects. We will sell the bonds in October and Ehlers will present the sale reports at the October business meeting.*

*\*I recommend that the two resolutions providing for the sale of general obligations school building and facilities maintenance bonds, Series 2019A and 2019B, be approved as presented.*

3. Resolution Stating the Intention of the School Board to Issue General Obligation Bonds, Series 2019B - R. Anderson 194

4. Resolution Providing for the Sale of General Obligation Alternative Facilities Refunding Bonds, Series 2019C - R. Anderson 197  
*We will be refinancing two existing issues of our General Obligation bonds totaling \$8,200,000, series 2010A and 2011A. The resolution will approve setting the sale and obligates the District on the payment of the principal and interest on these bonds. The bonds will be sold in October and approved at the October business meeting.*

*The existing bonds carry a stated interest rate of anywhere between 3.0% - 5.75% with the projected rate for the sale of the refunding bonds being somewhere around 2% - 3%. At this time, the total projected interest savings over the life of the bonds is*

*approximately \$750,000. This savings will help us to increase our funding for Long Term Facilities Maintenance projects while still keeping our total proposed levy flat.*

*\*I recommend that the resolution providing for the sale of general obligation bonds Series 2019C be approved as presented.*

B. Human Resources - Coffey

*We will be hiring a vendor to do a dependent eligibility audit this fall. It will require any staff who hold dependent benefit coverage to provide proof of their dependent eligibility. The estimated cost of the vendor is \$16,120. While the dollar amount of the vendor contract is below what is required for Board approval, we wish to place this item on the agenda for your review in order to be as transparent as possible with our employees.*

*\*I recommend that the agreement for eligibility audit be approved as presented.*

1. Agreement for Eligibility Audit

199

VII. Board Communications

VIII. Future Board Meeting Dates

A. September 24, 2019 Business Meeting 6:00 p.m. (Board Room)

#### IV. CONSENT AGENDA

The Consent Agenda is designed to expedite the handling of routine and miscellaneous official business of the School Board. The entire agenda may be adopted by the Board in one motion. The motion for adoption is not debatable and must receive unanimous approval. By request of an individual Board member, an item can be removed from the Consent Agenda and placed upon the regular agenda for consideration and action.

Therefore, the following resolution is recommended:

BE IT RESOLVED by the School Board of Independent School District No. 622 that Consent Agenda Items, IV.A. through IV.E., be approved as written, and a copy of the agenda items is attached to the minutes.

MOTION:

SECOND:

**INDEPENDENT SCHOOL DISTRICT 622  
NORTH ST. PAUL-MAPLEWOOD-OAKDALE SCHOOLS**

**REGULAR MEETING  
SCHOOL BOARD  
July 23, 2019**

Chair Yener called the meeting to order at 4:32 p.m. with the following present: Chair Yener, Vice Chair Livingston, Clerk Augé, Directors Hunt, Jarman, Neve, and Superintendent Osorio. Absent: Treasurer Anderson.

Others present were: Julie Coffey, Director of Human Resources; Josh Anderson, Director of Communications & Technology Innovation; Randy Anderson, Director of Business Services; Troy Miller, Assistant Superintendent; and Kim Cavallaro, Administrative Assistant.

The meeting opened with the Pledge of Allegiance.

Neve moved and Livingston seconded the following motion, which carried on a 6 - 0 vote:

THAT the agenda be approved as presented.

During the Public Comment portion of the meeting, Mike Launderville addressed the Board regarding Tartan Area Youth Hockey and facilities concerns related to Tartan Arena; and Delene Sanders addressed the Board regarding diversity training.

Augé moved and Livingston seconded the following resolution, which carried on a 6 - 0 vote:

BE IT RESOLVED by the School Board of Independent School District No. 622 that the following Consent Agenda Items, IV.A. through IV.E., be approved as written, and a copy of the agenda items is attached to the minutes.

Noting that the Board had just taken action on Routine Personnel as part of the Consent Agenda, Miller introduced Afolabi Runsewe as the Cowern Elementary Principal. Runsewe addressed the Board. Miller also reported that Lisa Gruenewald had been hired to be the principal at Richardson Elementary.

Tucci Osorio presented a facilities report. She reviewed the District's commitments of transparency and communication, fiscal responsibility, support for staff and families who will be changing buildings, staff/community input during planning, and District 622's legacy and history. She discussed facilities work of the Castle and Richardson projects, noting that the classrooms will be ready for students in September, with construction continuing up to the planned finished date in December. Tucci Osorio reviewed the timeline and next steps for all of the projects and showed conceptual drawings of Carver and John Glenn. She added that Facilities will be an agenda item at the August 6, 2019 work study session.

Hunt moved and Jarman seconded the following resolution, which carried on a 6 - 0 vote:

BE IT RESOLVED by the School Board of Independent School District No. 622 that the School Board accept with appreciation the following contributions and permit their use as designated by the donors.

<u>Donor</u>	<u>Item and/or Amount</u>	<u>Purpose</u>
Kim Hunter Law	\$150.00	North High Mock Trial
Thomas Plunkett	\$50.00	North High Mock Trial
Zimmer Law Group	\$25.00	North High Mock Trial
Caplan & Tamburino	\$100.00	North High Mock Trial
Nagell Law PLLC	\$100.00	North High Mock Trial
The Cody Law Group, Chartered	\$50.00	North High Mock Trial
Tilton & Dunn Attorneys at Law	\$25.00	North High Mock Trial
Ron Sushak	\$208.00	Community Bridge T-ball Team

Hunt moved and Neve seconded the following resolution, which carried on a 6 - 0 vote:

BE IT RESOLVED by the School Board of Independent School District No. 622 that the School Board approve the District's updated Long Term Facilities Maintenance 10-Year Plan as presented.

Neve moved and Livingston seconded the following resolution, which carried on a 6 - 0 vote:

BE IT RESOLVED by the School Board of Independent School District No. #622 that the following meal price becomes effective September 2019.

Elementary lunch \$2.75

Hunt moved and Livingston seconded the following resolution, which carried on a 6 - 0 vote:

BE IT RESOLVED that the School Board of Independent School District #622 hereby revises the following policy:

709 (Student Transportation Safety)

Yener asked board members to set the time, location, and agenda for the August 6, 2019 work study session. Augé moved and Neve seconded the following motion, which carried on a 6 - 0 vote:

THAT the August 6, 2019 work study session begin at 4:30 p.m. in Room 202 of the District 622 Education Center and contain the following agenda items:  
1)Superintendent Check In; 2)Update on Supper Program; 3)Facilities; 4)Recycling Update; 5)Rescinding, Adoption and Revision of Policies; and 6)Board Check In.

During Board Communications, the following items were shared:

- ✓ Auge said that there has been a lot of positive chatter about the new construction. She stated that it has been a great community builder. Augé mentioned that she hoped everyone is enjoying the summer.
- ✓ Hunt shared the news that his daughter had taken her oath of citizenship earlier in the day and is now an official citizen of the United States.
- ✓ Yener stated that the Board is committed to continued equity training as part of Board development.

Neve moved and Jarman seconded the following motion, which carried:

THAT the meeting be adjourned.

The meeting adjourned at 5:10 p.m.

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Clerk

Public notice for solicitation of bids, requests for quotes and requests for proposals are located on the ISD 622 website, [www.isd622.org](http://www.isd622.org).

**INDEPENDENT SCHOOL DISTRICT 622  
NORTH ST. PAUL-MAPLEWOOD-OAKDALE SCHOOLS**

**CLOSED SESSION  
SCHOOL BOARD  
July 23, 2019**

A Closed Session was called to order by Chair Yener at 5:19 p.m. for the purpose of evaluating the superintendent. Present were: Chair Yener, Vice Chair Livingston, Clerk Augé, Directors Hunt, Jarman, Neve, and Superintendent Osorio. Absent: Treasurer Anderson.

Osorio left the Closed Session at 6:15 p.m. The Board continued their dialogue, and at 7:33 p.m., Osorio returned to the room. A report of the Superintendent's Evaluation will be provided at the August 20, 2019 business meeting.

The Closed Session adjourned at 7:59 p.m.

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Clerk

Public notice for solicitation of bids, requests for quotes and requests for proposals are located on the ISD 622 website, [www.isd622.org](http://www.isd622.org).

**INDEPENDENT SCHOOL DISTRICT 622  
NORTH ST. PAUL-MAPLEWOOD-OAKDALE SCHOOLS**

**WORK STUDY SESSION  
SCHOOL BOARD  
August 6, 2019**

Chair Yener called the meeting to order at 4:30 PM with the following present: Chair Yener, Vice Chair Livingston, Clerk Augé, Directors Jarman, Neve, and Superintendent Tucci Osorio. Arriving at 4:33 PM: Treasurer Anderson. Absent: Director Hunt.

Others present were: Josh Anderson, Randy Anderson, Kim Cavallaro, Julie Coffey, Troy Miller, Jenna Peters, Tricia St. Michaels, Lisa Sayles-Adams, and Troy Miller (LHB Corporation).

Tucci Osorio introduced Peters, who presented a facilities update and shared the latest news on the Castle and Richardson projects that have a projected completion date of December 2019; and spoke about design phase of Carver and John Glenn. Construction will begin on those projects in spring 2020. A draft timeline of various communications targeted towards staff, families and community members was reviewed. They finished their report looking at the timelines for the four sites. Troy Miller from LHB Corporation showed conceptual drawings of the sites.

R. Anderson presented on the District's afterschool meal program, and spoke about the supper meal sites. He provided facts about the program, participation data, and meal requirements.

R. Anderson presented the District's current recycling practices, the Ramsey/Washington County School Recycling Advisory Group, and recycling building initiatives for 2019-2020.

Tucci Osorio guided a discussion on the rescinding, adoption and revision of policies. Policies discussed were:

Proposed rescinded policies: L-060 (Mismanagement of Resources & Inadequate Asset Protection); L-061 (Inadequate Budget Planning & Management); and L-062 (Unethical, Unprofessional Financial Processes). Proposed policy for adoption: 530 (Gender Inclusion). Proposed policies for rescinding: 103 (Complaints - Students, Employees, Parents, Other Persons); 205 (Open Meetings & Closed Meetings); 208 (Policy Stewardship); 209 (Board Code of Conduct & Ethics); 402 (Disability Nondiscrimination); 410 (Family & Medical Leave); 413 (Harassment & Violence); 416 (Drug & Alcohol Testing); 419 (Tobacco-Free Environment); 421 (Gifts to and Solicitation by Employees & School Board Members); 423 (Employee-Student Relationships); 503 (Student Attendance); 505 (Distribution of Non-school-Sponsored Materials); 506 (Student Discipline); 521 (Student Disability Nondiscrimination); 522 (Student Sex Nondiscrimination - Title IX); 524 (Internet Acceptable Use); 529 (Staff Notification of Violent Behavior by Students); 532 (Use of Peace Officers and Crises Teams to Remove

Students with IEPs from School Grounds); 603 (Curriculum Development); 616 (School District System Accountability); 618 (Assessment of Student Achievement); 624 (Online Learning Options); and 714 (Fund Balance). This will be a discussion item at the August 20 business meeting, followed by proposed action at the September 24 business meeting.

During Board Check in, Augé commented on the ice arenas, which will have further discussion at the October 8, 2019 work study session. Board Members briefly discussed the welcome back event, MSBA's delegate assembly and call for presentations for the January conference, and achievement awards.

The meeting adjourned at 8:04 PM.

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Clerk

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<b>Employment</b>						
<b>First Name</b>	<b>Last Name</b>	<b>Employed as</b>	<b>Building</b>	<b>Effective</b>	<b>Pay Rate</b>	<b>Per</b>
Manu	Adhikari	FT Custodian	Carver Elementary	8/1/19	\$17.59	Hour
Paige	Ammermann	Check and Connect Specialist	District wide	8/26/19	\$48,696.00	Hour
Julie	Bachmeier	FACS Teacher	Maplewood	8/26/19	\$50,186.04	Year
Joni	Barbeau	SPED Para	Next Step	9/3/19	\$16.80	Hour
Thomas	Berger	PT Driver	Bus Garage	8/20/19	\$20.16	Hour
Tessa	Bitker	Pre K Instructor	Webster	8/26/19	\$45,320.00	Year
Sonjae	Blanks	BIS	Skyview Elementary	8/26/19	\$23.19	Hour
Timothy	Brooks	LPN	John Glenn	9/3/19	\$21.99	Hour
Iisiah	Bundy	Building EA	Skyview Middle	9/3/19	\$14.16	Hour
Barbara	Carter	BIS	Maplewood Middle School	8/26/19	\$23.19	Hour
Melissa	Cassidy	Speech Language Pathologist	District Wide	8/26/19	\$53,635.00	Year
Melissa	Chiri	EL Teacher - One Year Only	Richardson	8/26/19	\$77,345.00	Year
Charles	Clowes	PT Driver Trainee	Bus Garage	7/29/19	\$18.11	Hour
James	Collins	Physical Science Teacher	North	8/26/19	\$37,828.80	Year
Cedric	Davis	BIS	Oakdale Elementary	8/26/19	\$23.19	Hour
Julie	Drews	Transportation Coordinator	Bus Garage	8/26/19	\$64,000.00	Year
Leslie	Fenske	Building EA	North	9/3/19	\$14.16	Hour
Carrie	Garcia-Alt	Receptionist	Beaver Lake	8/16/19	\$16.19	Hour
Darla	Garvey	Guidance Secretary	Tartan	9/3/19	\$18.42	Hour
Davis	Gooch	Guidance Counselor	Tartan	8/26/19	\$56,853.10	Year
Kathryn	Griffin	Title EA	Carver	9/3/19	\$15.47	Hour
Daniel	Hansen	Cultural Academic Support Specialist	Maplewood Middle School	8/26/19	\$20.00	Hour
Allison	Hanson	EL Teacher	John Glenn	8/26/19	\$17,269.20	Year
Stella	Hewett	Preschool EA	Beaver Lake	8/26/19	\$14.52	Hour
Robert	Holmboe	PT Driver	Bus Garage	8/20/19	\$20.16	Hour
Michaela	Huberty	BSN - Float	District Wide	8/26/19	\$31.83	Hour
Richard	Jones	Social Studies Teacher	Tartan/Skyview Mid	8/26/19	\$24,251.40	Year
Joni	Joy	Grade 1 Teacher	Webster	8/26/19	\$56,876.00	Year
Dennis	Joyner	SPED Para	District Education Center	9/3/19	\$16.80	Hour
Robin	Kiihn	Industrial Technology Teacher	North	8/26/19	\$50,143.59	Year
Eliza	Kraker	SPED Para	Cowern	9/3/19	\$16.80	Hour
Laurie	Krenz	Assessment and Data Literacy Specialist	DEC	8/19/19	\$75,000.00	Hour
Megan	Kress	SPED Para	Oakdale	9/3/19	\$16.80	Hour

Taryn	Leal	Language Arts Teacher	North	8/26/19	\$63,093.00	Year
Jamie	Lewis	Grade 2 Teacher	Richardson	8/26/19	\$60,259.00	Year
Lisa	Lipinski	Preschool EA	Beaver Lake	8/26/19	\$15.30	Hour
Dean	Lundblad	Assistant Arena Manager	Tartan and North Arenas	8/26/19	\$49,000.00	Year
Jessica	McNamara	BIS	Carver Elementary	8/26/19	\$23.19	Hour
Heather	Mortel	School Psychologist	Tartan	8/26/19	\$53,341.60	Year
Mai	Moua	Occupational Therapist	District Wide	8/26/19	\$53,916.00	Year
Michael	Mueller	Math Teacher	Maplewood	8/26/19	\$53,635.00	Year
Erin	Naughton	Language Arts Teacher	North	8/26/19	\$15,615.60	Year
Kurt	New	Supervisor - School Age Care	DEC	8/5/19	\$80,000.00	Year
Esther	Nyagwencha	SPED Para	Tartan	9/3/19	\$16.80	Hour
Fadumo	Osman	Bicultural Liaison	District Wide	8/26/19	\$28.29	Hour
Penelope	Petron	Preschool EA	Beaver Lake	8/26/19	\$15.47	Hour
Leslie	Racine	PT Driver Trainee	Bus Garage	8/20/19	\$18.11	Hour
Ashley	Rome	BIS	Maplewood Middle School	8/26/19	\$23.19	Hour
William	Schultz	SPED Para	John Glenn	9/3/19	\$15.68	Hour
Justin	Seitz	SPED Para	Cowern	9/3/19	\$15.68	Hour
Joseph	Severson	BIS - Special Education	Carver Elementary	8/26/19	\$23.19	Hour
John	Sharp	PT Van Driver	Bus Garage	7/29/19	\$18.97	Hour
Katelyn	Syring	Para Monitor	Richardson	9/3/19	\$14.79	Hour
Susan	Talamantez Salava	Grade 3 Teacher	Webster	8/26/19	\$75,583.59	Year
Marissa	Worlie	SPED Para	Tartan	9/3/19	\$15.68	Hour
Tanner	Wright	Language Arts Teacher	Tartan	8/26/19	\$42,866.00	Year

<b>Status Change</b>						
<b>First Name</b>	<b>Last Name</b>	<b>From</b>	<b>To</b>	<b>Effective</b>	<b>Pay Rate</b>	<b>Per</b>
Tammira	Bauer	FT Custodian	FT Driver/Custodian	8/7/2019	\$23.07	Hour
Sarah	Berman-Young	TOSA MTSS/School Psychologist (.80)	TOSA MTSS/School Psychologist (1.0)	8/26/2019	\$77,302.00	Year
Riley	Diedrich	.1875 Breakfast/Lunch Monitor	.0625 Breakfast Monitor	7/29/2019	\$14.47	Hour
Kimberly	Fletcher-Wieken	FT Driver/Dispatcher	FT Driver/Trainer	7/29/2019	\$26.65	Hour
Emily	Galle-From	Grade 1 Teacher (1.0)	TOSA - Elem. Teaching and Learning (1.10)	8/26/2019	\$65,245.40	Year
Suzanne	Hinderscheid	.375 Building EA	.8125 Building EA	9/3/2019	\$14.76	Hour

Lori	Kolberg	Intervention Teacher (.30)/ Intervention EA	Intervention Teacher (.49) - One Year Only	8/26/2019	\$21,154.77	Year
Scott	Larson	PT Van Driver	FT Custodian	7/28/2019	\$17.59	Hour
Lisa	Lee	Lunch/Playground Monitor	Building EA	9/3/2019	\$14.16	Hour
Jeffrey	McCloud	FT Driver/Custodian	FT Driver/Dispatcher	8/1/2019	\$26.65	Hour
Mary	Raab	Specil Education Teacher (.7)	Associate Administrator (.8)	8/19/2019	\$65,126.00	Year
Rebecca	Rosewell	Intervention Teacher (.49)	Intervention/SPED Teacher (.80) -One Year Only	8/26/2019	\$54,998.40	Year
Leah	Trumper	Social Worker (.50)/Special Leave (.50)	Social Worker (.50)	7/1/2019	\$39,170.21	Year
Emily	Wilcox Freeburg	Choir Teacher (.60)	Choir Teacher (1.0)	8/26/2019	\$55,511.00	Year

Leave of Absence					
First Name	Last Name	Assignment	Building	Leave Type	Dates
Susan	Roessler	Intervention Teacher	Cowern	Special Leave	08/08/19-09/27/19

Resignation					
*	First Name	Last Name	Assignment	Building	Effective
	Sahara	Aden	ABE Instructor	District Wide	8/16/2019
	Kaitlyn	Buckner	SPED Para	Next Step	8/1/2019
	Nicole	Checka	Check and Connect Specialist	Weaver/Webster	
	Rachel	Colter	Preschool EA	Richardson	8/12/2019
	Emily	Defenbaugh	Check and Connect Specialist	District Wide	6/7/2019
	Christopher	Devine	Intervention/AVID Teacher	John Glenn	7/31/2019
	Samrawit	Gebremichael	Cultural Academic Support Specialist	District Wide	6/7/2019
	Patricia	Harper	Lunch/Playground Monitor	Cowern	7/22/2019
	Mark	Hofacker	Student Contact Day Driver	Bus Garage	6/10/2019
	Robert	Horner	Lunch/Playground Monitor	Cowern	7/17/2019
	Chris	Johnson	PT Driver	Bus Garage	6/7/2019
	Ann	Larson	Occupational Therapist	Beaver Lake	8/1/2019
	Jennifer	Lundgren	SPED Teacher	Skyview Middle	7/16/2019
	Amy	McClay	SPED Teacher	Tartan	7/31/2019
	Michael	McHutchison	STEM Teacher	Weaver	7/31/2019
	Emily	Mobeck	Grade 2 Teacher	Castle	8/5/2019
	Ricky	Moua	Cultural Academic Support Specialist	Tartan	6/7/2019
	Jennifer	Nyberg	Parent Volunteer Coordinator	Richardson	6/15/2019

*	Sarah	Primozych	Grade 4 Teacher	Oakdale	7/31/2019
	Janelle	Ryland	Breakfast Monitor	Webster	6/7/2019
	Joseph	Schantz	Testing and Education Tech Mgmt Specialist	DEC	8/23/2019
	Trish	Smith	Reading Specialist Teacher	Tartan	7/22/2019
	Kelsey	Sterrenberg	PreK Instructor	Webster	8/2/2019
*	Katalina	Thao	SPED Para	John Glenn	7/25/2019
	Alicia	Waeffler	Curriculum Pathways and Avid Coordinator	DEC	8/8/2019
	Miriam	Yang	EL Teacher	Richardson	7/30/2019
	Jessica	Young	Grade 3 Teacher	Oakdale	7/29/2019

IV. DISBURSEMENTS

State statutes require school boards to provide for payment of just claims and also require that a list of electronic fund transfers be submitted to the school board at its next regular meeting. This action will authorize payment of audited and allowable claims, purchase of investments, transfers to the payroll account, and transactions by electronic fund (wire) transfers.

Therefore, the Director of Business Services recommends the following resolution:

BE IT RESOLVED by the School Board of Independent School District No. 622 that the following disbursements and transfers be approved:

General Fund	\$	3,428,343.00
Food Service		175,704.00
Community Service		214,030.00
Building Construction		4,334,864.00
Debt Service		4,315.00
Trust		87,341.00
Internal Service Fund		51,729.00
OPEB Benefits Trust Fund		10,468.00
		<hr/>
A/P Checks Disbursed (07-01-19 thru 07-31-19)	\$	8,306,794.00
Payroll Disbursed - Net (07-01-19 thru 07-31-19)	\$	1,531,878.00
Wire Transfers (07-01-19 thru 07-31-19)	\$	11,827,451.00
Investments on 08-02-19	\$	97,529,288.00

NORTH ST PAUL - MAPLEWOOD - OAKDALE SCHOOLS

WIRE TRANSFERS

07-01-19 thru 07-31-19

DATE	FROM	TO		REASON
07/01/19	P M A	HEALTH PARTNERS	\$200,625.00	MEDICAL CLAIM FEES
07/01/19	PREMIER BANK	FURTHER	\$5,079.00	FLEX PROCESSING
07/01/19	PREMIER BANK	DELTA DENTAL	\$138,057.00	MONTHLY PAYMENT
07/01/19	PREMIER BANK	STATE OF MINN.	\$101,424.00	PAYROLL TAX
07/02/19	PREMIER BANK	ANNUITY COMPANIES	\$43,792.00	PAYROLL PAYABLES
07/03/19	PREMIER BANK	FURTHER	\$238,905.00	FLEX PROCESSING
07/03/19	PREMIER BANK	HEALTH PARTNERS	\$274,062.00	HEALTH CLAIMS
07/05/19	P M A	PREMIER BANK	\$2,500,000.00	A/P - P/R*
07/05/19	PREMIER BANK	ANNUITY COMPANIES	\$396,314.00	PAYROLL PAYABLES
07/09/19	PREMIER BANK	FURTHER	\$17,032.00	FLEX PROCESSING
07/09/19	PREMIER BANK	HEALTH PARTNERS	\$457,508.00	HEALTH CLAIMS
07/11/19	P M A	PREMIER BANK	\$2,080,000.00	A/P - P/R*
07/15/19	P M A	PREMIER BANK	\$1,000,000.00	A/P - P/R*
07/15/19	PREMIER BANK	FURTHER	\$9,539.00	FLEX PROCESSING
07/15/19	PREMIER BANK	HEALTH PARTNERS	\$313,882.00	HEALTH CLAIMS
07/15/19	PREMIER BANK	I R S	\$259,659.00	PAYROLL TAX
07/16/19	PREMIER BANK	STATE OF MINN.	\$43,832.00	PAYROLL TAX
07/17/19	PREMIER BANK	ANNUITY COMPANIES	\$43,265.00	PAYROLL PAYABLES
07/18/19	PREMIER BANK	FURTHER	\$8,327.00	FLEX PROCESSING
07/18/19	PREMIER BANK	I R S	\$5,251.00	PCORI FEE
07/22/19	P M A	PREMIER BANK	\$500,000.00	A/P - P/R*
07/22/19	PREMIER BANK	ANNUITY COMPANIES	\$147,370.00	PAYROLL PAYABLES
07/22/19	PREMIER BANK	FURTHER	\$6,373.00	FLEX PROCESSING
07/22/19	PREMIER BANK	HEALTH PARTNERS	\$361,923.00	HEALTH CLAIMS
07/24/19	PREMIER BANK	FURTHER	\$2,654.00	FLEX PROCESSING
07/29/19	P M A	PREMIER BANK	\$2,075,000.00	A/P - P/R*
07/29/19	PREMIER BANK	FURTHER	\$5,970.00	FLEX PROCESSING
07/29/19	PREMIER BANK	HEALTH PARTNERS	\$320,009.00	HEALTH CLAIMS
07/29/19	PREMIER BANK	PITNEY BOWES	\$3,000.00	POSTAGE
07/30/19	PREMIER BANK	STATE OF MINN.	\$5,644.00	UNEMPLOYMENT
07/31/19	PREMIER BANK	MISCELLANEOUS	\$5,846.00	MISCELLANEOUS
07/31/19	PREMIER BANK	I R S	\$257,109.00	PAYROLL TAX
		TOTAL	<u>\$11,827,451.00</u>	

\* TO COVER ACCOUNTS PAYABLE OR PAYROLL CHECKS

NORTH ST PAUL - MAPLEWOOD - OAKDALE SCHOOLS

INVESTMENTS

DEPOSITORY	TYPE	RATE	PURCHASED	AMOUNT
MSDLAF OTHER FUNDS	MM	2.27%	(BALANCE AT 08-02-19)	\$339,376.00
P M A SECURITIES OPERATING FUNDS	VARIOUS	2.35%	(BALANCE AT 08-02-19)	\$44,497,275.00
P M A SECURITIES MAINTENANCE FACILITIES BONDS	VARIOUS	2.40%	(BALANCE AT 08-02-19)	\$31,624,805.00
P M A SECURITIES CAPITAL FACILITIES AND ABATEMENT BONDS	VARIOUS	2.57%	(BALANCE AT 08-02-19)	\$3,290,429.00
P M A SECURITIES COP	VARIOUS	2.57%	(BALANCE AT 08-02-19)	\$3,841,263.00
P M A SECURITIES CITY OF OAKDALE - CASTLE PROJECT	VARIOUS	2.57%	(BALANCE AT 08-02-19)	\$1,147,107.00
P M A SECURITIES OPEB BONDS	VARIOUS	2.30%	(BALANCE AT 08-02-19)	\$11,391,787.00
ASSOCIATED BANK EQUITY INVESTMENTS	EQUITY	1.42%	(BALANCE AT 08-02-19)	\$1,397,246.00
				<u>\$97,529,288.00</u>

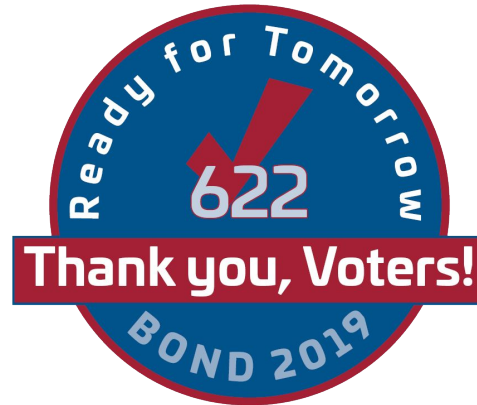


# Facilities Update

## School Board Study Session

August 20, 2019

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# Castle Elementary

Projected Finish Dec. 2019



School District 622

NORTH ST. PAUL | MAPLEWOOD | OAKDALE

Ready for tomorrow

# Castle Elementary Update



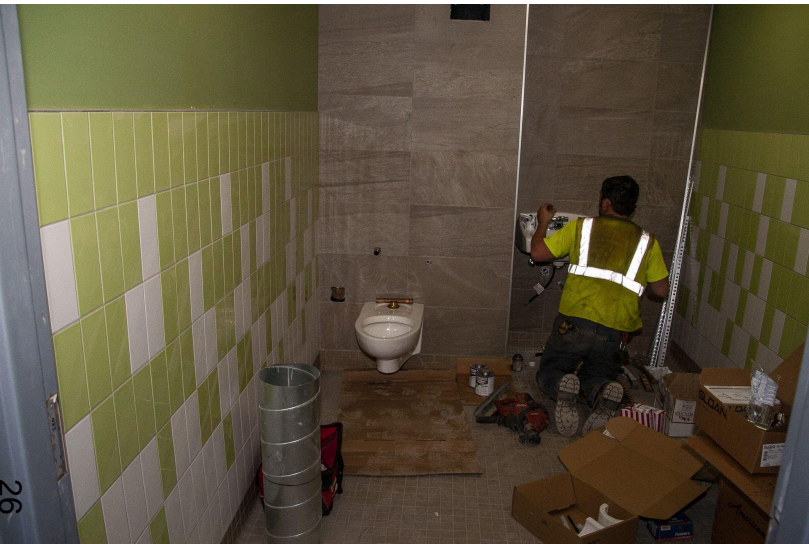
24



# Richardson Elementary

Projected Finish Dec. 2019

# Richardson Update





# Carver Elementary

## Design Phase

- Safety & Security
- Programming needs & adjacencies
- Innovative learning spaces

Floor Plan:



Key Notes:

- A. Individual work area
- B. Small group area
- C. Large group area
- D. ---
- E. Shared offices
- F. Built in casework/storage
- G. Teacher support room

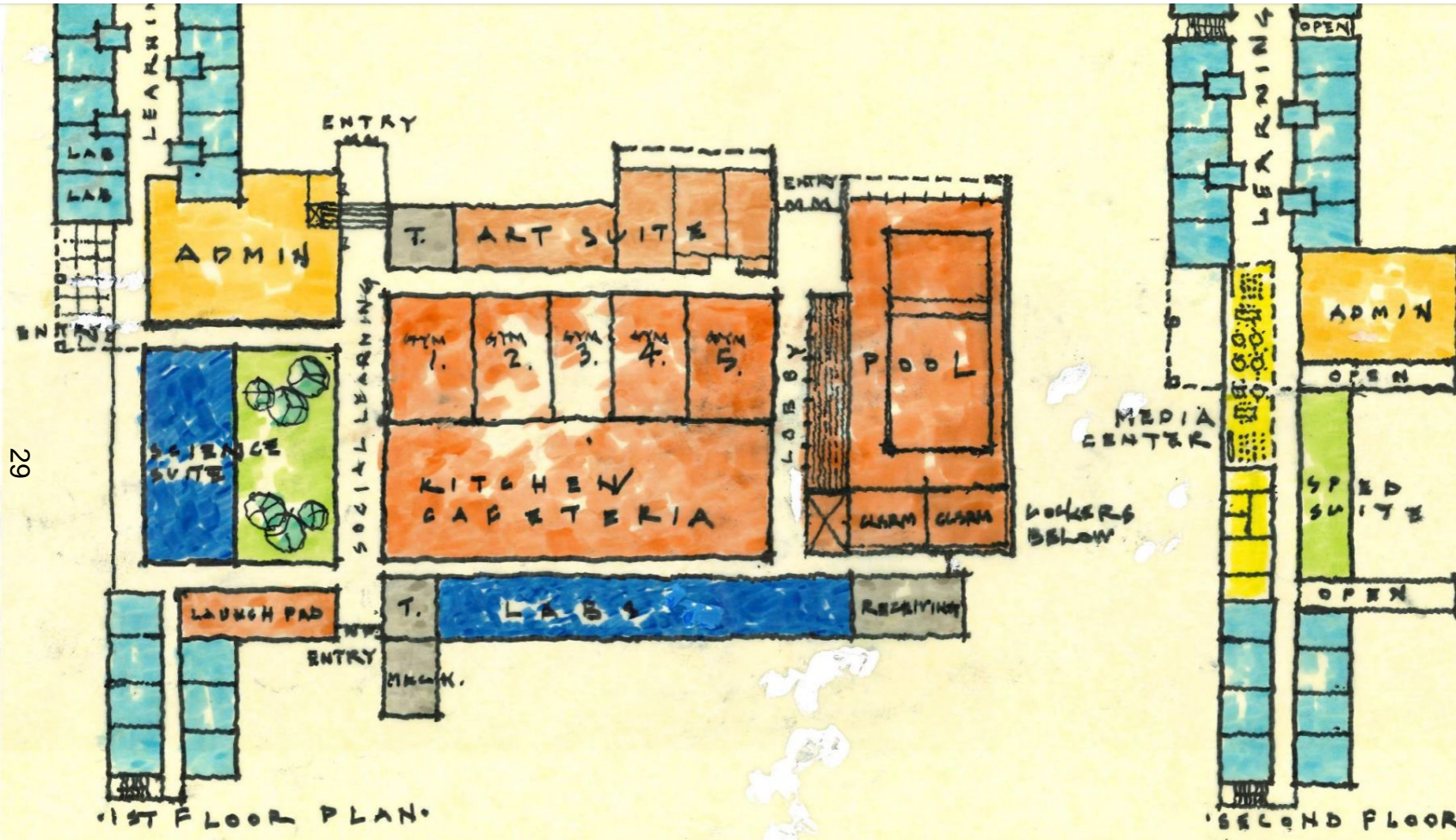
- **Innovative Learning spaces**
- **Programming adjacencies**



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# Carver Elementary

# John Glenn Middle School



## Planning & Design



# Communications

- Drafted timeline of various communications targeted towards specific audiences: staff, families, community



## Examples of Upcoming Communication

- Outdoor signage at construction sites
- Postcard mailing to Castle & Richardson neighbors
- Continued messages to Richardson & Castle staff and families for Back to School plans
- Indoor signage at sites detailing what is currently happening with QR codes
- Ongoing updates via website and social media
- 622 News postcard mailing to 622 residents with construction plans and updates

# Timelines

## Richardson & Castle

- Summer Construction 2019
- Fall Construction 2019
- December 2019 Complete

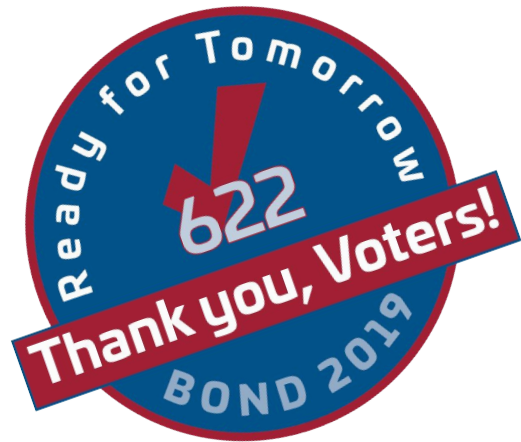
## Carver & John Glenn

- Design Summer/Fall 2019
- Bids Fall/Winter 2019
- Construction Spring 2020
- Completion Fall 2022

# For More Information:

[www.isd622.org/construction](http://www.isd622.org/construction)  
[communications@isd622.org](mailto:communications@isd622.org)

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## Proposed Policy Revisions – August 20, 2019

Admin	Policy Number	Policy Title	Summary of Changes Comments in <b>red</b> are from original proposed revisions; comments in <b>blue</b> are revisions resulting from Board discussion at the August 6 work session
Randy	Rescind L-060	Mismanagement of Resources and Inadequate Asset Protection	<ul style="list-style-type: none"> <li>• No MSBA comparable policy (old Teamworks model)</li> <li>• Recommendation to rescind as policy deemed not necessary by legal counsel and administration and is covered in Policy 705</li> </ul>
Randy	Rescind L-061	Inadequate Budget Planning & Management	<ul style="list-style-type: none"> <li>• No MSBA comparable policy (old Teamworks model)</li> <li>• Recommendation to rescind as policy deemed not necessary by legal counsel and administration and is covered in Policy 701</li> </ul>
Randy	Rescind L-062	Unethical, Unprofessional Financial Processes	<ul style="list-style-type: none"> <li>• No MSBA comparable policy (old Teamworks model)</li> <li>• Recommendation to rescind as policy deemed not necessary by legal counsel and administration and is covered in Policy 702 &amp; 703</li> </ul>
Christine	Revise 103	Complaints – Students, Employees, Parents, Other Persons	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Update referenced policy number</li> </ul>
Christine	Revise 208	Policy Stewardship	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Update referenced policy numbers</li> <li>• <b>Request to have the section on annual review policies reformatted in a bulleted list</b></li> </ul>

## Proposed Policy Revisions – August 20, 2019

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<b>Christine</b>	Revise 209	<b>Board Code of Conduct and Ethics</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Update referenced policy number</li> <li>• Sentence structure revision in opening paragraph</li> <li>• Punctuation edits throughout</li> <li>• Change the word “promulgated” to “disseminated” in paragraph f</li> </ul>
<b>Julie</b>	Revise 410	<b>Family &amp; Medical Leave</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Administration and legal counsel proposed revision to the dissemination of the policy, stating that the policy is available for viewing on the District website</li> </ul>
<b>Julie</b>	Revise 413	<b>Harassment &amp; Violence</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Administration and legal counsel proposed revision to the dissemination of the policy, stating that the policy is available for viewing on the District website</li> <li>• Additional language in gender identify removed so that the harassment and gender inclusion policies had a consistent definition of gender identity. This revision was advised by legal counsel as the additional information is not necessary.</li> </ul>
<b>Julie</b>	Revise 416	<b>Drug &amp; Alcohol Testing</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Update name of Human Resources Director</li> </ul>
<b>Julie</b>	Revise 421	<b>Gifts to and Solicitation by Employees &amp; School Board Members</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Update referenced policy numbers</li> <li>• Removal of words in Sections 1 &amp; 2</li> </ul>

## Proposed Policy Revisions – August 20, 2019

<b>Troy/Lisa</b>	Revise 503	<b>Student Attendance</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Updated referenced policy number</li> <li>• <b>Addition of guardian(s) to Sections 2 &amp; 3</b></li> <li>• <b>Change the word “compel” to “require” in Section 3B3</b></li> </ul>
<b>Josh</b>	Revise 505	<b>Distribution of Non-school-Sponsored Materials</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Updated referenced policy number</li> </ul>
<b>Tricia</b>	Revise 521	<b>Student Disability Nondiscrimination</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Update policy with Tricia’s new name</li> <li>• <b>Change the word “learners” to “students” in the general statement of policy</b></li> </ul>
<b>Tricia</b>	Revise 522	<b>Student Sex Nondiscrimination (Title IX)</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Update policy with Tricia’s new name</li> </ul>
<b>Josh</b>	Revise 524	<b>Internet Acceptable Use</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Update referenced policy numbers</li> </ul>
<b>Tricia</b>	Revise 529	<b>Staff Notification of Violent Behavior by Students</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Update referenced policy number</li> <li>• <b>Sentence restructure in definitions</b></li> <li>• <b>Addition of guardian to Section 5</b></li> <li>• <b>Simplified the language in the training needs paragraph while maintaining what is written in statute</b></li> </ul>
<b>Troy/Randy</b>	Revise 714	<b>Fund Balance</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Board recommendation to raise the minimum unassigned general fund balance; Business Director’s recommendation of 8 – 10%</li> <li>• <b>Request to see if the “nonspendable” paragraph is needed in</b></li> </ul>

## Proposed Policy Revisions – August 20, 2019

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			<p>definitions; the category is defined by the Government Accounting Standards Board (GASB) and must remain</p>
<p><b>Julie/Christine</b></p>	<p>Adopt 535</p>	<p><b>Gender Inclusion</b></p>	<ul style="list-style-type: none"> <li>• <b>622 Policy</b></li> <li>• <b>Reviewed by legal counsel, administrators, and LGBTQ+ Staff Affinity Group</b></li> <li>• <b>One of the goals of the proposed policy was to keep the District out the middle of disputes between students and their parents. As a result, paragraph 7 was revised by legal counsel to allow students to designate the name and pronouns they would like their teachers to use in class only; with the default of district communication to parents to use the name identified by the official student record unless a support plan is in place.</b></li> <li>• <b>Attorney recommendation to remove parents and volunteers from the scope paragraph.</b></li> <li>• <b>Grammatical suggestion in paragraph 3.</b></li> <li>• <b>To clarify the difference between #7 and #9, the word “Medical” has been added to the title of #9.</b></li> </ul>
<p><b>Policies listed below reflect statutory requirements that the Minnesota legislature enacted through the 2019 legislative session</b></p>			

## Proposed Policy Revisions – August 20, 2019

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		<b>and other federal and state requirements</b>	
<b>Christine</b>	Revise 205	<b>Open Meetings &amp; Closed Meetings</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Legal reference additions</li> <li>• “Executive” replaced with “board retreat” in general statement of policy</li> <li>• Request to see if language in procedures – special meetings – needs to remain; it is in statute and needs to stay as is</li> <li>• Request to remove duplicative notice of emergency meeting</li> <li>• Request to expand on notice of emergency meeting notice options – needs to remain as is; it is in statute</li> <li>• Grammatical corrections</li> </ul>
<b>Julie</b>	Revise 402	<b>Disability Nondiscrimination Policy</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Legal reference addition</li> </ul>
<b>Julie</b>	Revise 419	<b>Tobacco-Free Environment</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Policy title change to “Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices”</li> <li>• Statutory change adding electronic devices and definition of ‘smoking’</li> </ul>
<b>Julie</b>	Revise 423	<b>Employee-Student Relationships</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Legal reference revision</li> <li>• Update referenced policy number</li> </ul>
<b>Troy/Lisa</b>	Revise 506	<b>Student Discipline</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Cross reference addition</li> <li>• Revision to the referenced Tobacco policy due to proposed revision of that policy’s name</li> </ul>

## Proposed Policy Revisions – August 20, 2019

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Troy/Lisa/Tricia	Revise 532	<b>Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Statutory change to dates of seclusion reports to MDE</li> <li>• <a href="#">Sentence restructure in definitions</a></li> </ul>
Troy/Lisa	Revise 603	<b>Curriculum Development</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Statutory change requiring information to students who do not meet or exceed MN academic standards</li> <li>• Legal reference addition</li> <li>• <a href="#">School board member added to advisory committee membership</a></li> </ul>
Troy/Lisa	Revise 616	<b>School District System Accountability</b>	<ul style="list-style-type: none"> <li>• Contains 622 language</li> <li>• Statutory change adds items to school performance report</li> <li>• Renaming of curricular improvement cycle</li> </ul>
Troy/Lisa	Revise 618	<b>Assessment of Student Achievement</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Statutory changes required MDE Commissioner to create form regarding state assessments</li> <li>• District must post form</li> <li>• Legal reference addition</li> <li>• <a href="#">Typo fixed</a></li> <li>• <a href="#">Addition of guardian to C.f.</a></li> </ul>
Troy/Lisa/Josh	Revise 624	<b>Online Learning Options</b>	<ul style="list-style-type: none"> <li>• MSBA policy</li> <li>• Statutory change adds weighted grades provision</li> <li>• <a href="#">Addition of guardian to B.2.</a></li> </ul>

### Limitations

Policy Title	Policy Level	Date Approved/Revised
<b>Mismanagement of Resources and Inadequate Asset Protection</b>	<b>L-060</b>	<b>1/22/08</b>

Independent School District 622 - North St. Paul-Maplewood-Oakdale shall not fail to act as a good fiduciary for all District taxpayer assets. Taxpayer assets, including, but not limited to, all facilities, equipment, materials, tax dollars and all other sources of funds, may not be unprotected, inadequately maintained, unnecessarily risked, wasted, allowed to deteriorate, or otherwise fail to accommodate Board goals and priorities and the legitimate educational interests of students.

***Rationale:** This policy is established to codify the expectation of wise use of taxpayer assets and contributions.*

Adoption and Revision History	Incorporated Policies
L-060 MISMANAGEMENT OF RESOURCES AND INADEQUATE ASSET PROTECTION This policy adopted: January 22, 2008	

**Administrative Rule, Regulation and Procedure:** [..\Administrative Rule, Regulation and Procedure\E-030P Financial Management.doc](#)

**Legal References:**

### Limitations

Policy Title	Policy Level	Date Approved/Revised
<b>Inadequate Budget Planning and Management</b>	<b>L-061</b>	<b>1/22/08</b>

Independent School District 622 - North St. Paul-Maplewood-Oakdale shall not knowingly cause or through negligence allow unreasonable financial risk or substantial deviation of actual expenditures from established budget.

***Rationale:** This policy is established to guide the expectation of careful development and monitoring of the established budget.*

Adoption and Revision History	Incorporated Policies
L-061 INADEQUATE BUDGET PLANNING AND MANAGEMENT This policy adopted: January 22, 2008	

**Administrative Rule, Regulation and Procedure:** [..\Administrative Rule, Regulation and Procedure\E-030P Financial Management.doc](#)

**Legal References:**

- M.S. 123.71
- Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS).
- M.S. 123.34, Subd. 8
- M.S. Ch. 6
- M.S. 121.9121
- M.S. 121.912
- M.S. 123.71
- M. S. Chapter 118A,

**Limitations**

Policy Title	Policy Level	Date Approved/Revised
<b>Unethical, Unprofessional Financial Processes</b>	<b>L-062</b>	<b>1/22/08</b>

Independent School District 622 - North St. Paul-Maplewood-Oakdale shall not fail to maintain procedures and systems according to applicable law to control management of resources, including, at a minimum: accounting, budgeting, independent audit, data management, purchasing, ordering goods and services, inventories of equipment and supplies, record retention, and the sale of property.

***Rationale:** Representatives of School District 622 - North St. Paul-Maplewood-Oakdale shall follow all applicable law and the best practices in managing its resources.*

Adoption and Revision History	Incorporated Policies
L-062 UNETHICAL, UNPROFESSIONAL FINANCIAL PROCESSES This policy adopted: January 22, 2008	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:**

Policy Title	Policy Number	Date Approved/Revised
Gender Inclusion	535	

### 1) General Statement of Policy

The school district will act to improve the educational integration of transgender and gender nonconforming students and strive to maintain the privacy of these students. Furthermore, the school district will support healthy communication between educators, students, and parents or guardians to further the successful educational development and well-being of every student.

### 2) Definitions

The following definitions are provided to assist in understanding this policy. Students may or may not use these terms to describe themselves.

- A. "Assigned sex at birth" refers to a person's biology when they are born, and is generally categorized as male or female.
- B. "Gender identity" means a person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same as or different from their assigned sex at birth. Most people have a gender identity that matches their assigned sex at birth. For some, however, their gender identity is different from their assigned sex. All people have a gender identity, not just transgender people.
- C. "Gender expression" means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- D. "Transgender" means a gender identity or expression different from that traditionally associated with an assigned sex at birth.
- E. "Transition" means the process in which a person goes from living and identifying as one gender to living and identifying as another.
- F. "Gender nonconforming" means gender expression different from stereotypical expectations. This term includes people who identify outside traditional gender categories.

### 3) Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This policy also pertains to the use of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school district staff, **and** students, ~~parents, and volunteers.~~

### 4) Bullying, Harassment, and Discrimination Prohibition

Discrimination, bullying, and harassment on the basis of gender identity or expression are prohibited within the school district. Each school and all staff are responsible for ensuring that all students, including transgender and gender nonconforming students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, bullying, or harassment based on a person's actual or perceived gender identity or expression is handled in the same manner as other discrimination, bullying, or harassment complaints.

#### 5) Privacy/Confidentiality

All students have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, parents or guardians, or third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act (MGDPA). The school district will keep confidential all medical information relating to transgender and gender nonconforming students in accordance with applicable local, state, and federal privacy laws. School staff shall not disclose information that may reveal a student's transgender status to others, including other parents and school staff, unless the other staff member has a need to know, is legally required to be notified, or when written permission has been given.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when and with whom to share private information, as well as how much private information to share. The fact that a student chooses to disclose their transgender status to staff or other students does not authorize school staff to disclose other medical information about the student. (See "Student Transitions and Support Plans" below.)

#### 6) Official Records

The school shall maintain a mandatory permanent student record that includes a student's legal name and legal gender. The school will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally issued identification. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender preferred by the student. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of confidential information.

#### 7) Names and Pronouns

Every student may request to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change their official records. A recommended best practice for teachers is to privately ask students who disclose that they identify as transgender or gender nonconforming how they want to be addressed in class. **District communication to parents will use the student's legal name, pronouns, and gender as established by their official records, unless otherwise specified by a support plan.**

#### 8) Gender-Based Activities, Areas, Rules, Procedures and Practices

To the extent practicable, students shall be permitted to participate in activities or conform to rules, procedures, or practices consistent with their gender identity and the rules, policies, and procedures established by the Minnesota State High School League.

- A. Schools may maintain separate restroom, locker room, and changing facilities for male and female students. It is the general position of the school district that students may use the restroom, locker room, or changing facility that corresponds with their gender identity, rather than their assigned sex; however, students seeking to use facilities that do not correspond to their assigned sex must first notify the school that they will be doing so. With respect to all restrooms, locker rooms, or changing facilities, transgender or gender nonconforming students will have access to facilities that correspond to their gender identity, the required notification shall consist of either meeting with and approval by a licensed school counselor who is sufficiently knowledgeable on gender dysphoria to properly determine whether a student's request to use such facilities accurately reflects that student's gender identity, or a written statement from an appropriate health-care professional, acting within the scope of their licensure, that verifies the existence of the student's consistent and uniform or sincerely held gender identity.
- B. For any gender-segregated facility, any student, of any gender identity, who is uncomfortable using a shared facility, regardless of the reason, may request to be provided with a reasonable alternative.

#### 9) Student **Medical** Transitions and Support Plans

1. In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish — but are not required — to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school, in consultation with the minor student's parents or guardians, shall create a student support plan to ensure student health, well-being, and safety.

#### 10) Training and Professional Development

Information regarding gender identity shall be included in any school district training or professional training related to the prevention of bullying, harassment, or discrimination.

#### 11) Publication

This policy will be included in the student handbook and posted on the school district website.

**Rationale:** *The purpose of this policy is to foster an educational environment that is safe and free from discrimination for all students, regardless of gender identity or gender expression, and to facilitate compliance with local, state, and federal laws prohibiting discrimination.*

*This policy is also designed to support the school district's mission to commit each day to develop and empower lifelong learners who thrive in diverse communities.*

Adoption and Revision History	Incorporated Policies
Policy 535 GENDER INCLUSION This Policy Adopted:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:**

- Minn. Stat. § 13.32 (Educational Data)
- Minn. Stat. § 121A.031 (School Student Bullying Policy)
- Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- 20 U.S.C. § 1232g (Family Educational and Privacy Rights)
- 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
- 34 C.F.R. Part 106 (Implementing Regulations of Title IX)

**Cross References:**

- School District Policy 104 (Mission, Values & Beliefs)
- School District Policy 102 (Equal Educational Opportunity)
- School District Policy 413 (Harassment and Violence)
- School District Policy 514 (Bullying Prohibition Policy)
- School District Policy 515 (Protection and Privacy of Pupil Records)
- School District Policy 522 (Student Sex Nondiscrimination)
- School District Policy 526 (Hazing Prohibition)

Policy Title	Policy Number	Date Approved/Revised
Complaints – Students, Employees, Parents, Other Persons	103	11/22/11 Revised: 5/21/19 Revised:

1) General Statement of Policy

- A. Students, parents, employees or other persons, may report concerns or complaints to the school district. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. A person may file a complaint at any level of the school district; i.e., principal, superintendent or school board. However, persons are encouraged to file a complaint at the building level when appropriate. If School Board members receive a complaint, the steps to be followed are referenced in Policy ~~G-035~~ **206**, Section 5)b).
- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the superintendent who shall determine whether an internal or external investigation should be conducted. In either case, the superintendent shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken. The superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

**Rationale:** *The school district takes seriously all concerns or complaints by students, employees, parents and other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.*

<b>Adoption and Revision History</b>	<b>Incorporated Policies</b>
Policy 103 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS This Policy Adopted: November 26, 1996; Rescinded: November 22, 2011	Replaces Policy KLD (Complaints About School Personnel) adopted June 28, 1979  MSBA 103
Policy E-073 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS This Policy Adopted: November 22, 2011	
Policy 103 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS This Policy Revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

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

**Cross References:** MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
 MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 MSBA/MASA Model Policy 413 (Harassment and Violence)  
 MSBA/MASA Model Policy 514 (Bullying Prohibition)  
 MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)

Policy Title	Policy Number	Date Approved/Revised
Open Meetings And Closed Meetings	205	Adopted: 12/14/10 Revised: 9/25/12 Revised: 7/23/13 Revised: 5/26/15 Revised: 9/25/18 Revised: 5/21/19 Revised:

**Purpose**

The purpose of this policy is to provide guidelines to assure the rights of the public to be present at School Board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

**General Statement of Policy**

Except as otherwise expressly provided by statute, all meetings of the School Board, including ~~executive-board retreat~~ sessions, shall be open to the public.

Meetings shall be closed only when expressly authorized by law.

**Definition**

"Meeting" means a gathering of at least a quorum or more members of the School Board, or quorum of a committee or subcommittee of School Board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the School Board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting law, social media does not include e-mail.

**Procedures**

**Meeting Notices**

1. Regular Meetings
 

A schedule of the regular meetings of the School Board shall be kept on file at its primary offices. If the School Board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.
2. Special Meetings
  - a. For a special meeting, the School Board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin Board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The School Board's actions at the special meeting are limited to those topics included in the notice.
  - b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
  - c. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the School Board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.

- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the School Board is required to send notice to that person only concerning those particular subjects.
  - e. The School Board will establish an expiration date on requests for notice of special meetings and require re-filing once each year. Not more than 60 days before the expiration date of request for notice, the School Board shall send notice of the re-filing requirement to each person who filed during the preceding year.
3. Emergency Meetings
- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the School Board, require immediate consideration.
  - b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
  - ~~c. The School Board shall make good faith efforts to provide notice of the emergency meeting to news medium that have filed a written request for notice if the request includes the news-medium's telephone number.~~
  - cd.** Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the School Board.
  - de.** Notice shall be provided to news medium which have filed a written request for notice as soon as reasonably practicable after notice has been given to the School Board members.
  - ef.** Notice shall include the subject of the meeting.
  - fg.** Posted or published notice of an emergency meeting **shall is** not be required.
  - gh.** The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.
4. Recessed or Continued Meetings
- If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.
5. Study Sessions
- Study sessions enable Board members to discuss important issues more informally and deeply prior to consideration for a vote at a regular meeting. The date, starting time and agenda for the study session will be announced publicly and posted as required for all open meetings. The format for study sessions will vary by meeting. There is no public comment at the Board study sessions.
6. Public Engagement Meetings
- As needed the Board will meet with invited stakeholders to present and to initiate dialogue for the purpose of receiving input on a particular issue. Additionally, to understand the views of the public in relation to Board policies and actions, the Board will identify groups, individuals and topics for a structured discussion on a pre-identified topic(s). Most often, two or three Board Members will attend Public Engagement meetings. Should a quorum (four Board Members) attend, the Public Engagement meeting will be subject to the Open Meeting Law.
7. Closed Meetings
- The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.
8. Actual Notice
- If a person receives actual notice of a meeting of the School Board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

9. Health Pandemic or Declared Emergency  
In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.
10. Public Hearings  
The Board recognizes the importance of obtaining public input on matters properly before the School Board. Public Hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. § 123B.51), education district establishment (Minn. Stat. § 123A.15), and agreements for secondary education (Minn. Stat. § 123A.30). Other public hearings may be held by the School Board on school district matters at the discretion of the School Board.
11. Meetings Conducted by Interactive Technology  
A meeting may be conducted by interactive technology, Skype, or other similar electronic means in compliance with Minn. Stat. § 13D.02.

#### **Votes**

The votes of School Board members shall be recorded in a journal kept for that purpose, and the journal shall be available to the public during all normal business hours at the administrative offices of the school district.

#### **Written Materials**

In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items prepared or distributed by the School Board or its employees and distributed to or available to all School Board members shall be available in the meeting room for inspection by the public while the School Board considers their subject matter.

This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

#### **Data**

Meetings may not be closed merely because the data to be discussed ~~are~~ **is** not public data.

Data that ~~are~~ **is** not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the School Board's authority and is reasonably necessary to conduct the business or agenda item before the School Board.

Data discussed at an open meeting **must** retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

#### **Closed Meetings**

1. Labor Negotiations Strategy
  - a. The School Board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
  - b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of School Board members and all other persons present at the closed meeting shall be

made available to the public after the closed meeting. An audio recording of the proceedings shall be made, and the recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the School Board for the current budget period.

2. **Sessions Closed by Bureau of Mediation Services**  
All negotiations, mediation sessions, and hearings between the School Board and its employees or their respective representatives are public meetings. If these meetings involve the Bureau of Mediation Services, they may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods are prohibited in mediation meetings closed by the BMS.
3. **Preliminary Consideration of Charges**  
The School Board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the School Board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
4. **Performance Evaluations**  
The School Board may close a meeting to evaluate the performance of an individual who is subject to its authority. The School Board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the School Board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
5. **Attorney-Client Meeting**  
A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the School Board needs advice above the level of general legal advice (*i.e.*, regarding specific acts and their legal consequences). A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.
6. **Dismissal Hearing**
  - a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
  - b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.
  - c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school

district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches: Opportunity to Respond
  - a. If the School Board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of that decision.
  - b. If the coach requests the reasons for the nonrenewal, the School Board must give the coach the reasons in writing within 10 days of receiving the request.
  - c. On the request of the coach, the School Board must provide the coach with a reasonable opportunity to respond to the reasons at a School Board meeting.
  - d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.
  - e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
  
8. Meetings to Discuss Certain Non-Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

  - a. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
  - b. active investigative data collected or created by a law enforcement agency; or
  - c. educational data, health data, medical data, welfare data, or mental health data that are not public data; or
  - d. an individual's personal medical records; or
  - e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.
  
9. Purchase and Sale of Property
  - a. The School Board may close a meeting:
    - (1) to determine the asking price for real or personal property to be sold by the school district;
    - (2) to review confidential or nonpublic appraisal data; and
    - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
  - b. Before closing the meeting, the School Board must identify on the record the particular real or personal property that is the subject of the closed meeting.
  - c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight (8) years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the School Board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of School Board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
  - d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the School Board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.
  
10. Security Matters
  - a. The School Board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss

security deficiencies in, or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.

- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting the School Board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four (4) years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

**Procedures for Closing a Meeting**

The School Board shall provide notice of a closed meeting just as for an open meeting. A School Board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the School Board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

**Rationale:** *The School Board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The School Board shall conduct its business under a presumption of openness. At the same time, the School Board recognizes and respects the privacy rights of individuals as provided by law. The School Board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the School Board.*

Adoption and Revision History	Incorporated Policies
Policy 205 Open Meetings and Closed Meetings	<i>Replaces Policy: BDA (Regular Board Meetings) adopted July 9, 1981; 105 (Board Meetings) adopted March 26, 1992; 105 - Appendix A, II.A.(Meetings of the School Board: Time and Place) adopted March 26, 1992; 105 - Appendix A, II.B.(Meetings of the School Board: Cancellation or Change of Time or Place of Board Meetings), adopted March 26, 1992; 105 - Appendix A, II.C..(Meetings of the School Board: Advance Delivery of Meeting Materials) adopted March 26, 1992; 105 - Appendix A,II. G.1.(Meetings of the School Board: Special Meetings - Notification to Members), adopted March 26, 1992; 105 - Appendix A, II.G.2.(Meetings of the School Board: Special Meetings - Transaction of Business) adopted March 26, 1992. This Policy Adopted: December 10, 1996; Rescinded: August 5, 2008</i>
G-025 OPEN MEETINGS AND CLOSED MEETINGS	This Policy Adopted: January 22, 2008 Revised: November 18, 2008 Rescinded: December 14, 2010
G-030 BOARD MEETINGS	This Policy Adopted: November 20, 2007 Rescinded: December 14, 2010
G-033 OPEN MEETINGS & CLOSED MEETINGS (This Policy Adopted: Dec. 14, 2010; Revised: September 25, 2012; Revised: July 23, 2013;	MSBA 205

Revised: May 26, 2015; Revised: September 25, 2018	
205 OPEN MEETINGS & CLOSED MEETINGS This Policy Revised: May 21, 2019 Revised:	

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)  
Minn. Rules Part 5510.2810 (Bureau of Mediation Services)  
*Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)  
*Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)  
*The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)  
*Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)  
*Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)  
*Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)  
*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)  
*Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied.* (Minn. 1993)  
**Dept. of Admin. Advisory Op. No. 18-019 (December 28, 2018)**  
**Dept. of Admin. Advisory Op. No. 17-005 (June 22, 2017)**  
Dept. of Admin. Advisory Op. No. 13-009 (March 19, 2013)  
Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)  
Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)  
Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)  
Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)  
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)  
Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)  
Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

Cross References:

MSBA/MASA Model Policy 204 (School Board Meeting Minutes)  
MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
MSBA/MASA Model Policy 207 (Public Hearings)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin "C" (Minnesota's Open Meeting Law)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Policy Stewardship</b>	<b>208</b>	<b>11/20/07</b> <b>Revised: 11/22/11</b> <b>Revised: 5/26/15</b> <b>Revised: 6/28/16</b> <b>Revised: 5/21/19</b> <b>Revised:</b>

### 1) General Statement of Policy

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient, and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form which is sufficiently explicit to guide administrative action.

### 2) Development of Policy

- A. The school board has jurisdiction to legislate policy for the school district with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B. The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The school board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the school board agenda.

### 3) Adoption of Policy

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board following the second reading. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy

shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.

- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

#### 4) Implementation of Policy

- A. The superintendent shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation.
- B. Each school board member shall have access to this policy manual, and a copy shall be placed in the office of each school attendance center. Manuals shall be available in the central office and made available for reference purposes to other interested persons.
- C. The superintendent, employees designated by the superintendent, and individual school board members shall be responsible for keeping the policy manuals current.
- D. The superintendent shall be responsible for developing a system of periodic review of policies. In addition, the school board shall review the following policies annually:
- ~~E-021~~ **414** Mandated Reporting of Child Neglect or Physical or Sexual Abuse;
  - ~~E-022~~ **415** Mandated Reporting of Maltreatment of Vulnerable Adults;
  - ~~E-032~~ **714** Fund Balance;
  - ~~EM-020.6~~ **410** Family & Medical Leave;
  - ~~EM-020.7~~ **413** Harassment and Violence Policy & Religious, Racial or Sexual Harassment & Violence Report Form;
  - ~~EM-020.15~~ **506** Student Discipline & Notice of Suspension;
  - ~~EM-020.16~~ **514** Bullying Prohibition;
  - ~~EM-020.20~~ **522** Student Sex Nondiscrimination (Title IX) & Unlawful Sex Discrimination Towards a Student Report Form;
  - ~~EM-020.24~~ **524** Internet Acceptable Use Policy & Internet Use Agreement;
  - ~~EM-020.26~~ **806** Crisis Management.
- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

**Rationale:** *The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.*

<b>Adoption and Revision History</b>	<b>Incorporated Policies</b>
Policy 208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES This Policy Adopted: January 14, 1997 Rescinded: August 5, 2008	<i>Replaced Policy: BF (Board Policy Development) adopted August 12, 1965; BFC (Policy Adoption) adopted June 28, 1979; BFCAA (Formulation of Administrative Regulations) adopted August 12, 1965; BFE (Administration in Policy Absence) adopted June 28, 1979. 105 - Appendix A, III.A.(Adoption, Amendment, Repeal or Suspension of Policies and Bylaws) adopted March 26, 1992; 105 - Appendix A,III.B. (School Board Policy Making/Adoption, Amendment, Repeal or Suspension of Administrative Procedures), adopted March 26, 1992.</i>
Policy G-050 POLICY STEWARDSHIP This Policy Adopted: November 20, 2007; Revised: November 22, 2011; Revised: May 26, 2015; Revised: June 28, 2016	
208 POLICY STEWARDSHIP This Policy Revised: May 21, 2019; Revised:	MSBA 208

**Legal References:** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
 Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

**Cross References:** MSBA/MASA Model Policy 305 (Policy Implementation)

Policy Title	Policy Number	Date Approved/Revised
Board Code of Conduct and Ethics	209	11/20/07 Revised: 12/14/10 Revised: 5/21/19 Revised:

The Board of Education of Independent School District 622 - North St. Paul-Maplewood-Oakdale is committed to ethical, businesslike and lawful conduct including proper use of authority and appropriate decorum in the conducting of school district business. ~~of business of the District.~~

### Board Code of Conduct

Members of the Board of Education of Independent School District 622 - North St. Paul-Maplewood-Oakdale are champions of their community and excellence in its schools. The members of the Board will cultivate a sense of group responsibility. The Board will work in partnership with the Superintendent, staff, students, parents and community members. The Board, not the Superintendent or staff, will be responsible for excellence in governing. The Board will use the expertise of individual Board members to enhance the ability of the Board as a body, but will not substitute individual judgments for the Board's collective judgments.

#### Member accountability to the entire school district supersedes:

1. Any conflicting loyalty a member may have to an advocacy, partisan or other interest group
2. Any personal ambition or agenda
3. Loyalty based upon membership on other boards or staffs
4. Conflict(s) based upon the personal interest of any Board member

#### Members will:

1. Demonstrate integrity and courage in making decisions for the community of District
2. Exercise honesty in all written and interpersonal interaction
3. Demonstrate respect for the opinions of others
4. Focus on issues rather than on personalities
5. Maintain focus on common goals
6. Communicate knowledge and information with transparency and in a timely manner to avoid surprises
7. Commit the time necessary to understand, communicate and ask questions for clarification concerning the challenges of education in District
8. Respect, accept and support the decisions of the full Board, providing direction as a "whole" rather than as an individual
9. Maintain appropriate confidentiality
10. Refer complaints to the Superintendent and abstain from individual counsel and action;
11. Protect the integrity and promote the positive image of the District
12. Remain informed about state, federal laws and regulations and District policy affecting education;
13. Recognize that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the management of school business shall be left to the Superintendent of Schools

**Board Member Expectation of Service includes:**

1. Preparation for and attendance at all Board of Education meetings and work sessions; three or more unexcused absences of scheduled Board meetings in a calendar year may result in Self Governance as defined in policy G-040-215.
2. Continuous learning about those policies, practices, laws, educational strategies that affect or govern education in District and are characteristic of high performing Board of Education members.
3. Full participation in meetings held by the Board of Education.
4. Willingness to collect information about Board performance and use that information to continuously improve the work of the Board.

**1) General Statement of Policy**

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

a) AS A MEMBER OF THE SCHOOL BOARD, I WILL:

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed decision, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

b) IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:

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

c) TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.

6. Insist that committees be appointed to serve only in an advisory capacity to the **superintendent and** school board.

d) IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

e) IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in hiring all employees.
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Insist the superintendent keep the school board adequately informed at all times.
7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

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

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

**Rationale:** *The Board of Education in adherence to the Code of Conduct makes a positive contribution to the community and the lives of its children by formulating sound educational policies, maintaining and making available to the community facilities and equipment for the educational programs, and by providing an atmosphere which encourages the participation of the community in the educational process.*

Adoption and Revision History	Incorporated Policies
Policy 209 CODE OF ETHICS	Replaced Policy 103 (Governing Manner) adopted March 26, 1992; 109 (School Board Member Code of Ethics) adopted March 26, 1992; BBF (School Board Members Ethics) adopted August 14, 1975; Rescinded: August 5, 2008.
Policy G-022 This policy adopted: Nov. 20, 2007 Revised: Dec. 14, 2010	This Policy Adopted: January 14, 1997
209 BOARD CODE OF CONDUCT & SERVICE This policy revised: May 21, 2019; Revised:	MSBA 209

**Legal References:**

Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

**Cross References:**

MSBA Service Manual, Chapter 1, School Board Member Code of Ethics

Policy Title	Policy Number	Date Approved/Revised
Disability Nondiscrimination Policy	402	5/20/08 Revised: 1/22/13 Revised: 6/28/16 Revised: 2/27/18 Revised: 5/21/19 Revised:

1) General Statement of Policy

- a) The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- b) The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- c) The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- d) Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact Julie Coffey, Director of Human Resources, 2520 E. 12<sup>th</sup> Avenue, North St. Paul, MN 55109, 651-748-7422, jcoffey@isd622.org. This individual is the school district's appointed ADA-coordinator.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall provide a fair employment setting for all persons and shall comply with state and federal law.

Adoption and Revision History	Incorporated Policies
402 DISABILITY NONDISCRIMINATION POLICY (This policy adopted: May 13, 1997; Rescinded: August 5, 2008)	MSBA 402
EM-020.3 DISABILITY NONDISCRIMINATION POLICY (This policy adopted: May 20, 2008); Revised: January 22, 2013; Revised: June 28, 2016; Revised: February 27, 2018	
402 DISABILITY NONDISCRIMINATION POLICY This policy revised: May 21, 2019 Revised:	

Administrative Rule, Regulation and Procedure: NA

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
29 U.S.C. 794 et seq. (§ 504 of Rehabilitation Act of 1973)  
42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)  
29 C.F.R. Part 32  
**34 C. F. R. Part 35**

34 C.F.R. Part 104

**Cross References:**

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Family &amp; Medical Leave</b>	<b>410</b>	<b>5/20/08</b> <b>Revised: 7/20/10</b> <b>Revised: 11/22/11</b> <b>Revised: 5/26/15</b> <b>Revised: 6/28/16</b> <b>Revised: 5/21/19</b> <b>Revised:</b> <b>Reviewed Annually</b>

1) General Statement of Policy

- a) The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

2) Definitions

- a) “Covered active duty” means:

1. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

- b) “Covered servicemember” means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or;
2. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date on which the veteran undergoes that medical treatment, recuperation, or therapy the eligible employee takes FMLA leave to care for the covered veteran.

- c) “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA) – covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee’s pre-service work schedule can

generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

- d) "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.
- e) "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- f) "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
  - 1. A military medical treatment facility as an outpatient; or
  - 2. A unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- g) "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
  - 1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
  - 2. to attend military events and related activities of a covered military member;
  - 3. to address issues related to childcare and school activities of a covered military member's child;
  - 4. to address financial and legal arrangements for a covered military member;
  - 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
  - 6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
  - 7. to attend post-deployment activities related to a covered military member; and
  - 8. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

- h) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
  1. Inpatient care in a hospital, hospice, or residential medical care facility; or
  2. Continuing treatment by a health care provider.
- i) "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into, or in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
- j) "Veteran" has the meaning given in 38 U.S.C. § 101.

### 3) Leave Entitlement

#### a) Twelve-week Leave under Federal Law

1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
  - i. birth of the employee's child and to care for such child;
  - ii. placement of an adopted or foster child with the employee;
  - iii. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
  - iv. the employee's serious health condition makes the employee unable to perform the functions of the employee's job ; and /or
  - v. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee's leave is to commence.
3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short term conditions for which treatment and recovery are very brief.
5. A "serious injury of illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:

- i. Injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - ii. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran and is:
    - a) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - b) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - c) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
    - d) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; or because of the employee's own serious health condition; or pursuant to Paragraph 3.a)1.v. above.
7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.

8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call in order to covered active duty pursuant to Paragraph 3.a)1.v. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.
11. The school district may require that a request for leave under Paragraph 3.a)1.v. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may, be required, in some situations to reimburse the school district for the cost of the health plan premiums paid by it.
13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

The school district shall comply with written notice requirements as set forth in federal regulations.

14. Employees returning from a leave permitted under this policy are eligible for reinstatement

in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

b) Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs 3.a)1.i. or 3.a)1.ii. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed 12 weeks, unless agreed by the employer, or leave taken for the same purpose under FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

c) Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs 3.a) and 3.c) above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for

leave must comply with the family and medical leave directives and guidelines prior to starting leave.

6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs 3. a) 7., 3.a) 10., 3.a) 12., 3.a) 13., and 3.a) 14. above shall apply to leaves under this section.

#### 4) Special Rules for Instructional Employees

- a) An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- b) Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than twenty percent of the work days in the leave period may be required to:
  1. take leave for the entire period or periods of the planned medical treatment; or
  2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- c) Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
  1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
  2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
  3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school district may require the employee to continue taking leave until the end of the semester.
- d) The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

#### 5) Other

- a) The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
- b) The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

6) Dissemination of Policy

- a) This policy shall be **made available on the District 622 website**. ~~conspicuously posted in each school district building in areas accessible to employees.~~
- b) This policy will be reviewed at least annually for compliance with state and federal law.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with parenting leave under state law.

Adoption and Revision History	Incorporated Policies
410 FAMILY AND MEDICAL LEAVE (This policy adopted: June 10, 1997; Rescinded: August 5, 2008)	MSBA 410
EM-020.6 FAMILY & MEDICAL LEAVE (This policy adopted: May 20, 2008, Revised: July 20, 2010) Revised: November 22, 2011; Revised: May 26, 2015; Revised: June 28, 2016	
410 FAMILY & MEDICAL LEAVE This policy revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure:** NA

**Legal References:** Minn. Stat. §§ 181.940-181.944 (Parenting Leave)  
 10 U.S.C. § 101 et seq. (Armed Forces General Military Law)  
 29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)  
 38 U.S.C. § 101 (Definitions)  
 29 C.F.R. Part 825 (Family and Medical Leave Act)

**Cross References:** MSBA Service Manual, Chapter 13, School Law Bulletin “M” (Statutory Provisions Which Grant Leaves to Licensed as well as Non-Licensed School District Employees – Family Medical Leave Act Summary)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Harassment &amp; Violence</b>	<b>413</b>	<b>5/20/08</b> <b>Revised: 12/14/10</b> <b>Revised: 9/25/12</b> <b>Revised: 1/22/13</b> <b>Revised: 7/23/13</b> <b>Revised: 5/26/15</b> <b>Revised: 6/28/16</b> <b>Revised: 9/25/18</b> <b>Revised: 5/21/19</b> <b>Revised:</b> <b>Reviewed Annually</b>

1) General Statement of Policy

- a) The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- b) A violation of this policy occurs when any student, teacher, administrator or other school district personnel harasses a student, teacher, administrator or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school district personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)
- c) A violation of this policy occurs when any student, teacher, administrator or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator or other school personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- d) The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator or other school district personnel who is found to have violated this policy.

2) Definitions

- a) "Assault" is:

1. An act done with intent to cause fear in another of immediate bodily harm or death;
  2. The intentional infliction of or attempt to inflict bodily harm up on another; or
  3. The threat to do bodily harm to another with present ability to carry out the threat.
- b) "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  3. Otherwise adversely affects an individual's employment or academic opportunities.
- c) "Immediately" means as soon as possible but in no event longer than 24 hours.
- d) Protected Classifications: Definitions
1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
    - a. Has a physical, sensory, or mental impairment which materially limits one or more major life activities;
    - b. Has a record of such an impairment; or
    - c. Is regarded as having such an impairment
  2. "Familial status" means the condition of one or more minors being domiciled with:
    - a. Their parent or parents or the minor's legal guardians; or
    - b. The designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
  3. "Marital status" mean whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
  4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
  5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  6. "Gender identity" means a person's deeply held sense or psychological knowledge of his

~~or her~~ **their** own gender. One's gender identity can be the same as or different from the gender assigned at birth. Most people have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. All people have gender identity, not just transgender people. ~~Gender identity is an innate, largely inflexible characteristic of each individual's personality that is generally established at a young age although the age at which individuals come to understand and express their gender identity may vary based on each person's social development.~~

7. "Gender expression" means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
  8. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
  9. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- e) "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- f) Sexual Harassment: Definition
1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
    - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
    - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
    - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.
  2. Sexual harassment may include but is not limited to:
    - a. unwelcome verbal harassment or abuse;
    - b. unwelcome pressure for sexual activity;

- c. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of student(s) by teachers, administrators or other school district personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of gender identity or gender expression.

g) Sexual Violence; Definition

- 1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.
- 2. Sexual violence may include, but is not limited to:
  - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
  - b. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
  - c. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

h) Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation or disability.

3) Reporting Procedures

- a) Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator or other school district personnel or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator or other school district personnel or group of

students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

- b) The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- c) Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- d) In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- e) A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- f) Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- g) In the District. The school board designates the Director of Human Resources as the School District Human Rights Officer to receive reports or complaints of harassment or violence between employees or employees to students. The school board designates the Director of Student Services to serve as the School District Human Rights Officer to receive reports or complaints of harassment or violence between students. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the superintendent.
- h) The school district shall conspicuously post the names of the Human Rights Officers including mailing addresses and telephone numbers.

- i) Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- j) Use of formal reporting forms is not mandatory.
- k) Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- l) The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.
- m) Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- n) False accusations or reports of violence or harassment against another person are prohibited.
- o) A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act or reprisal of intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

#### 4) Investigation

- a) By authority of the school district, the Human Rights Officers, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- b) The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- c) In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past

or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

- d) In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, students, teachers, administrators or other school district personnel pending completion of an investigation of harassment or violence prohibited by this policy.
- e) The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- f) The investigation will be completed as soon as practicable. The School District Human Rights Officers shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### 5) School District Action

- a) Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and applicable school district policies and regulations.
- b) The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- c) In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individual education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

#### 6) Retaliation or Reprisal

The school district will discipline or take appropriate action against any student, teacher, administrator or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

7) Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

8) Harassment or Violence As Abuse

- a) Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- b) Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence or abuse.

9) Dissemination of Policy and Training

- a) This policy shall be **made available on the District 622 website.** ~~conspicuously posted throughout each school building in areas accessible to students and staff members.~~
- b) This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- c) This policy shall appear in the student handbook.
- d) The school district will develop a method of discussing this policy with students and employees.
- e) The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- f) This policy shall be reviewed at least annually for compliance with state and federal law.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall maintain a learning and working environment that is free from harassment and violence on the basis of race, color creed, religion, national origin, sex, gender identity, gender expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

<b>Adoption and Revision History</b>	<b>Incorporated Policies</b>
411 HARASSMENT AND VIOLENCE (This policy adopted: Sep. 9, 1997, revised: April 26, 2005, rescinded: Aug. 5, 2008)	MSBA 413
524 VIOLENCE PREVENTION (This policy adopted: March 24, 199, rescinded: Aug. 5, 2008)	MSBA 525
EM-020.7 HARASSMENT & VIOLENCE (This policy adopted: May 20, 2008) Revised: Dec. 14, 2010; Revised: September 25, 2012; Revised: January 22, 2013. Revised: July 23, 2013; Revised: May 26, 2015; Revised: June 28, 2016;	MSBA 413

Revised: September 25, 2018	
413 HARASSMENT & VIOLENCE This policy revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

- Legal References:**
- Minn. Stat. § 120B.232 (Character Development Education)
  - Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
  - Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
  - Minn. Stat. § 121A.031 (Student School Bullying Policy)
  - Minn. Stat. § 121A.035 (Crisis Management Policy)
  - Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
  - Minn. Stat. § 609.341 (Definitions)
  - Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
  - 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
  - 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
  - 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
  - 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
  - 42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
  - 42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
  - 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

- Cross References:**
- MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
  - MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
  - MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
  - MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
  - MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
  - MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
  - MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
  - MSBA/MASA Model Policy 506 (Student Discipline)
  - MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
  - MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
  - MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
  - MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
  - MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
  - MSBA/MASA Model Policy 525 (Violence Prevention)
  - MSBA/MASA Model Policy 526 (Hazing Prohibition)
  - MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Drug and Alcohol Testing</b>	<b>416</b>	<b>11/22/11</b> <b>Revised: 6/28/16</b> <b>Revised: 5/21/19</b> <b>Revised:</b>

1) General Statement of Policy

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. The school district may also request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950 – 181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950 - 181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed including medical cannabis, regardless of whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.
- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

2) Federally Mandated Drug and Alcohol Testing for School Bus Drivers

- A. General Statement of Policy

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

B. Definitions

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the Evidential Breath Testing Device (EBT).
4. "Commercial motor vehicle" (CMV) includes a vehicle which is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means a designated school district representative authorized to take immediate action to remove employees from safety-sensitive duties, to make required decisions in the testing and evaluation process, and to receive test results and other communications for the school district.
6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. "Driver" is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.
8. "Evidential Breath Testing Device" (EBT) means an EBT approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
9. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district's drug testing program and for evaluating medical explanations for certain drug tests.

10. "Refusal to Submit" (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver's provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.
11. "Safety-sensitive functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
12. "Screening Test Technician" (STT) means anyone meeting the requirements for a BAT who may act as an STT, provided that the individual has demonstrated proficiency in the operation of non-evidential screening devices (approved for use in lieu of EBTs to perform screening tests).
13. "Stand Down" means to temporarily remove an employee from performing safety-sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.
14. "Substance Abuse Professional" (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.
2. The school district shall provide to each driver information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to an employee assistant program, and/or referral to management. Any person having questions regarding this policy or alcohol/drug use and abuse should contact ~~Keith Gray~~ **Julie Coffey**, Director of Human Resources.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement in the form of Attachment A certifying that he or she has received a copy of the policy and materials. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

D. Alcohol and Controlled Substances Testing Program Manager

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

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and re-testing at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.

4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

No driver found to have an alcohol concentration of 0.02 or greater but less than .04 shall perform safety-sensitive functions for at least 24 hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than .04 but may take action otherwise consistent with law and policy of the school district.

G. Prescription Drugs

A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry.

H. Testing Requirements

1. Pre-Employment Testing

- a. A driver applicant shall undergo testing for alcohol and controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.
- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment B, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.
- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.

2. Post-Accident Testing

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty- two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.

- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.

3. Random Testing

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.
- b. The school district shall test for alcohol at a minimum annual percentage rate of 25% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made.
- d. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two hours following a determination of reasonable suspicion. If it is not done within two hours,

the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight hours. If an alcohol test is not administered within eight hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test, and state in the record the reasons for not administering the test.

- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
5. Return-To-Duty Testing A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances.
6. Follow-Up Testing. When a SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.
7. Consent to Testing. Each driver and driver applicant tested under this policy will be requested to sign a consent form in the form of Attachment C at the specimen collection site which authorizes the taking of the sample and the release of the results to the proper authority.
8. Refusal to Submit and Attendant Consequences
  - a. A driver or driver applicant has the right to refuse to submit to drug and alcohol testing.
  - b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C. § 521 (b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
  - c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.
  - d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a

return-to-duty test prior to being reassigned to safety-sensitive functions.

- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment D.

I. Testing Procedures

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of the notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services–SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making

contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.

- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
  - (1) The donor expressly declines the opportunity to discuss the test results; or
  - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
  - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

## 2. Alcohol Testing

- a. The federal alcohol testing regulations require breath testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any result less than 0.02 alcohol concentration is considered a "negative" test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor's inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.

- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances, have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.
2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
  - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
  - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing administrator will be Now Care, 2480 Fairview Avenue, Roseville, MN 55112, telephone 651-635-0054, and the testing laboratory for controlled substances will be Med-Fox, 402 West County Road D, St. Paul, MN 55112, telephone 651-636-7466, which is a laboratory certified by the Department of Health and Human Services-SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minn. Stat. Ch. 13. Any information concerning the individual's test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

2. The required records shall be retained for the following minimum periods:

- |  |            |
|--|------------|
| Basic records:   | 5 years    |
| “Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary. |            |
| Collection records:  | 2 years    |
| Negative and cancelled drug tests:   | 1 year     |
| Alcohol tests with less than 0.02 concentration:   | 1 year     |
| Education and training records   | indefinite |
| “Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.   |            |

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
  - a. A driver who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.
  - b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP’s evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.
  - c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.

- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other employees" covered by Section 3) of this policy.

3) Drug and Alcohol Testing for Other Employees

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Section 2 of this policy.)

A. Circumstances Under Which Drug Or Alcohol Testing May Be Requested or Required:

1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. §181.953, Subd. 1.

- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Job Applicant Testing

The school district may request or require any job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer which is contingent on the applicant passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirming test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

3. Random Testing

The school district may request or require only employees in safety-sensitive positions to undergo drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

4. Reasonable Suspicion Testing

The school district may request or require any employee to undergo drug and alcohol testing if the school district has a reasonable suspicion that the employee:

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minn. Stat. 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

The school district may request or require any employee to undergo drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical

dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

6. Routine Physical Examination Testing

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks' written notice that a drug or alcohol test may be requested or required as part of the physical examination.

B. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

C. Definitions

1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.
2. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
3. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for compensation, either full-time or part-time, in whatever form, except for persons whose positions require a commercial driver's license, for the school district, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section 2). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section 3 of this policy and the drivers shall fall within this definition of "other employees."
4. "Job applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section 2).

5. "Positive test result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. §181.953, Subd. 1.
6. "Random selection basis" means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
7. "Reasonable suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. "Safety-sensitive position" means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

D. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver's license has the right to refuse drug and alcohol testing subject to the provisions contained in paragraphs 2 and 3 of this section D.

2. Consequences of an Employee's Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver's license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant's Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial driver's license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, the school district shall provide the employee or job applicant with a Pretest Notice in the

form of Attachment E to this policy on which to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report. Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test.

4. Notice of and Right to Explain Positive Test Result

- a. In the case of a positive test result on a confirming test, the school district shall also, at the time of providing notice of the test results, provide written notice to inform an employee or job applicant of the right to explain the results and to submit additional information.
- b. The school district may request that the employee or job applicant indicate any over-the counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.
- d. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information to the school district, in addition to any information already submitted, to explain that result.

5. Notice of and Right to Request Confirming Re-tests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide him or her with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirming retest of the original sample at his or her own expense after notice of a positive test result on a confirming test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirming retest. Within three (3) working days after receipt of the notice, the

school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. §181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform him or her of other rights provided under sections F or G below, whichever is applicable.

Attachment F to this policy provides the Notices described in paragraphs 2 through 6 of this section E.

F. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver's License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
  - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

4. Notwithstanding Paragraph 1, the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirming test and, if requested, the confirming retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

G. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver's License

If a job applicant has received a job offer made contingent on the applicant passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

H. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record-keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;

3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are, private data on individuals as that phrase is defined in Minn. Stat. Ch. 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations.

Notwithstanding paragraphs 1 and 2, evidence of a positive test result on a confirming test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minn. Stat. Ch. 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege.

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

J. Notice of Testing Policy to Affected Employees.

The school district shall provide written notice of this drug and alcohol testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment G to this policy.

4) Posting

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its human resources office or other suitable locations.

**Rationale:** *The school board recognizes the significant problems created by drug and alcohol use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.*

*The school board believes that a work environment free of drug and alcohol use will be not only safer, healthier, and more productive but also more conducive to effective learning. Therefore, to provide such an environment, the purpose of this policy is to provide authority so that the school board may require all employees and/or job applicants to submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in federal law and Minn. Stat. §§ 181.950-181.957.*

Adoption and Revision History	Incorporated Policies
Policy 416 DRUG AND ALCOHOL TESTING This Policy Adopted: August 26, 1997; Rescinded: November 22, 2011	Replaces Policy: GCQH (Chemical Dependency) adopted November 18, 1976.
Policy E-047 DRUG AND ALCOHOL TESTING This Policy Adopted: November 22, 2011; Revised: June 28, 2016	MSBA 416
Policy 416 DRUG AND ALCOHOL TESTING This Policy Revised: May 21, 2019; Revised:	

Administrative Rule, Regulation and Procedure: NA

**Legal References:**

- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- Minn. Stat. Ch. 43A (State Personnel Management)
- Minn. Stat. §152.22 (Medical Cannabis; Definitions)
- Minn. Stat. §152.23 (Medical Cannabis; Limitations)
- Minn. Stat. §152.32 (Protections for Registry Program Participation)
- Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
- Minn. Stat. § 221.031 (Motor Carrier Rules)
- 49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
- 49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
- 49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

**Cross References:**

- MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
- MSBA/MASA Model Policy 417 (Chemical Use and Abuse)

MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Policy Title	Policy Number	Date Approved/Revised
Tobacco Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices	419	5/20/08 Revised: 11/22/11 Revised: 7/23/13 Revised: 5/26/15 Revised: 9/25/18 Revised: 5/21/19 Revised:

1. General Statement of Policy

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district or person smokes or uses tobacco, tobacco-related devices, or **carries or uses an activated** electronic cigarette **delivery device** in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic cigarette **delivery devices** in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The school district will not promote or allow promotion of tobacco products or e-cigarettes on school property or at school-sponsored events.

2. Tobacco and Tobacco-Related Devices Defined

- A. ~~“Electronic **delivery device** cigarette” means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance intended for human consumption, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as a cigarettes, e-cigars, e-pipes, or under another product name or descriptor.~~ **means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product,**

**or for other medical purposes, and is marketed and sold for such an approved purpose.**

- B. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any components, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- C. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- D. "Smoking" means inhaling, **exhaling, burning, or carrying any lighted or heated cigar, smoke from any lighted cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation.** Smoking also includes carrying **or using an activated electronic delivery device.** ~~a lighted cigar, cigarette, pipe, or any other lighted tobacco plant product intended for inhalation and the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device.~~

### 3. Exceptions

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. **Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.**

### 4. Enforcement

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.

- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke free environment provided by the Freedom to Breathe Act of 2007 or other law.

5. Dissemination of Policy

- A. This policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall maintain a learning and working environment that is tobacco-free.

Adoption and Revision History	Incorporated Policies
EM-020.10 TOBACCO-FREE ENVIRONMENT (This Policy Adopted: May 20, 2008; Revised: November 22, 2011; Revised: July 23, 2013; Revised: May 26, 2015; Revised: September 25, 2018)	MSBA 419
419 TOBACCO-FREE ENVIRONMENT This Policy Revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:** Minn. Stat. § 144.411-144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685 (Sale of Tobacco to Children)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

Policy Title	Policy Number	Date Approved/Revised
Gifts to and Solicitation by Employees and School Board Members	421	5/26/15 Revised: 2/28/17 Revised: 9/25/18 Revised: 5/21/19 Revised:

1) General Statement of Policy

- a) The school district recognizes that students, parents, and others may wish to show appreciation to school district employees. The policy of the school district, however, is to discourage gift-giving to employees and to encourage donors ~~instead~~ to write letters and notes of appreciation or to give small tokens of gratitude as memorabilia.
- b) A violation of this policy occurs when any employee solicits, accepts, or receives either by direct or indirect means, a gift from a student, parent, or other individual or organization of greater than nominal value.
- c) A violation of this policy occurs when any employee solicits, accepts, or receives a gift from a person or entity doing business with or seeking to do business with the school district. Per state statute, Employees may accept items of insignificant value of a promotional or public relations nature or a plaque with a resale value of \$5 or less with an inscription recognizing an individual for an accomplishment.
- d) Teachers may accept from publishers' free samples of textbooks and related teaching materials.
- e) This policy applies only to gifts given to employees where the donor's relationship with the employee arises out of the employee's employment with the school district. It does not apply to gifts given to employees by personal friends, family members, other employees, or others unconnected to the employee's employment with the school district.
- f) An elected or appointed member of a school board, a school superintendent, a school principal, or a district school officer, including the school business official, may not accept a gift from an interested person.
- g) Notwithstanding Paragraphs 1) a) or 1) b) above, employees may solicit funds for the benefit of the school district through online donation websites (crowdfunding) if pre-approved by the employee's immediate supervisor, the Director of Business Services, and the Superintendent. In the case of technology requests, approval by the technology department must also be obtained. The receipt of any such donations must be approved by the school board. Any such donations become the property of the school district, not the employee, and must conform to policies and standards of the district (see Website Solicitation Procedures ~~E-008P~~ **421P**).

2) Definitions

- a) "Gift" means money, ~~real or~~ personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment that is given without something of equal or

greater value being received in return. "Gift" shall not include donations received through online donations described in Paragraph 1) g) above.

- b) "Interested person" means a person or a representative of a person or association that a school board member, a superintendent, a school principal, or a district school officer is authorized to make.

3) Process and Procedures

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

Employees seeking online website donations must complete the Intent to Apply for Crowdfunding Support Form, obtain the required approvals, and comply with the Website Solicitation Procedures E-008P-421P as located on the ISD 622 website: [www.isd622.org](http://www.isd622.org) under Business Services.

4) Violations

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

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

Adoption and Revision History	Incorporated Policies
420 GIFTS TO EMPLOYEES	Replaces Policy: (none identified) This Policy Adopted: September 9, 1997; Rescinded: August 5, 2008
707 ACCEPTANCE OF GIFTS TO SCHOOL DISTRICT	Replaces Policy: KH (Public Gifts to Schools) adopted June 28, 1979. This Policy Adopted: February 24, 1998; Rescinded: August 5, 2008
L-041 GIFTS TO AND SOLICITATION BY STAFF MEMBERS This policy adopted: April 22, 2008; Rescinded: May 26, 2015	
E-008 GIFTS TO AND SOLICITATION BY EMPLOYEES AND SCHOOL BOARD MEMBERS This policy adopted: May 26, 2015; Revised: February 28, 2017; Revised: September 25, 2018	MSBA 421
421 GIFTS TO AND SOLICITATION BY EMPLOYEES & SCHOOL BOARD MEMBERS This policy revised: May 21, 2019; Revised:	

Administrative Rule, Regulation and Procedure: NA

Legal References:                   Minn. Stat. §10A.07 (Conflicts of Interest)  
   Minn. Stat. §10a.071 (Prohibition of Gifts)  
   Minn. Stat. § 15.43 (Acceptance of Advantage by State Employee; Penalty)  
   Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

Cross References:

MSBA/MASA Model Policy 209 (Code of Ethics)

MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)

MSBA/MASA Model Policy 306 (Administrator Code of Ethics)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Employee-Student Relationships</b>	<b>423</b>	<b>11/22/11</b> <b>Revised: 5/26/15</b> <b>Revised: 9/25/18</b> <b>Revised: 5/21/19</b> <b>Revised:</b>

1) General Statement of Policy

- A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of the school district and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
  - 1. Dating students.
  - 2. Having any interaction/activity of a sexual nature with a student.
  - 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.
  - 4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
  - 5. Having inappropriate personal communication with students, unrelated to academics, co-curricular, or extracurricular activities, via phone, text messaging or other social media.

- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships.
- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

## 2. Reporting and Investigation

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with Policy ~~E-073~~ **103** (Complaints – Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of the school district.
- B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

## 3. School District Action

Upon receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the Minnesota Professional Educator Licensing and Standards Board or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

## 4. Scope of Liability

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the school district is not required to defend and indemnify the employee for damages in school-related litigation.

**Rationale:** *The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.*

Adoption and Revision History	Incorporated Policies
E-085 EMPLOYEE-STUDENT RELATIONSHIPS This Policy Adopted: November 22, 2011; Revised: May 26, 2015; Revised: September 25, 2018	MSBA 423
423 EMPLOYEE-STUDENT RELATIONSHIPS This Policy Revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:**

Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)  
Minn. Stat. § 122A.20, Subd 2 (Mandatory Reporting to Professional Educator Licensing and Standards Board or Board of School Administrators)  
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)  
Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)  
Minn. Rules Part ~~8700.7500~~ **8710.2100** (Code of Ethics for Minnesota Teachers)

**Cross References:**

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 306 (Administrator Code of Ethics)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
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 421 (Gifts to Employees and School Board Members)  
MSBA/MASA Model Policy 507 (Corporal Punishment)



Policy Title	Policy Number	Date Approved/Revised
Student Attendance	503	5/20/08 Revised: 6/24/08 Revised: 11/22/11 Revised: 7/23/13 Revised: 5/27/14 Revised: 5/26/2015 Revised: 5/21/19 Revised:

1) General Statement of Policy

a) Responsibilities

1. Student's Responsibility

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

2. Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

3. Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

a. It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance and to prepare a list of the

previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.

- b. In accordance with the Minnesota Compulsory Instruction Law, Minn. Stat. § 120A.22, the students of the school district are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Attendance Procedures

1. Excused Absences

- a. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school. A note from a physician or a licensed mental health professional stating that the student cannot attend school is a valid excuse.
- b. The following reasons shall be sufficient to constitute excused absences:
  - (1) Illness.
  - (2) Serious illness in the student's immediate family.
  - (3) A death or funeral in the student's immediate family or of a close friend or relative.
  - (4) Medical, dental or orthodontic treatment, or a counseling appointment.
  - (5) Court appearances occasioned by family or personal action.
  - (6) Religious instruction not to exceed three hours in any week.
  - (7) Physical emergency conditions such as fire, flood, storm, etc.
  - (8) Official school field trip or other school-sponsored outing.
  - (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
  - (10) Family emergencies.

- (11) Active duty in any military branch of the United States.
- (12) A student's condition that requires ongoing treatment for a mental health diagnosis.

c. Consequences of Excused Absences

- (1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher.

2. Unexcused Absences

a. The following are examples of absences which will not be excused:

- (1) Truancy. An absence by a student which was not approved by the parent and/or the school district.
- (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
- (3) Work at home.
- (4) Work at a business, except under a school-sponsored work release program.
- (5) Vacations with family. (Building principal has discretion to excuse with prior notification.)
- (6) Personal trips to schools or colleges. (Building principal has discretion to excuse with prior notification.)
- (7) Oversleeping
- (8) Missed bus/transportation problems
- (9) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.

- (3) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.
- (4) Consequences of students with unexcused absences are outlined in ~~E-045P~~**503**.

C. Tardiness

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.
2. Procedures for Reporting Tardiness
  - a. Students tardy at the start of school must report to the school office for an admission slip.
  - b. Tardiness between periods will be handled by the teacher.
3. Excused Tardiness

Valid excuses for tardiness are:

  - a. Illness.
  - b. Serious illness in the student's immediate family.
  - c. A death or funeral in the student's immediate family or of a close friend or relative.
  - d. Medical, dental, orthodontic, or mental health treatment.
  - e. Court appearances occasioned by family or personal action.
  - f. Physical emergency conditions such as fire, flood, storm, etc.
  - g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.
  - h. Late school bus.
4. Unexcused Tardiness
  - a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.
  - b. Consequences of tardiness may include detention and/or other measures, including loss of credit.

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs

1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.
2. School-initiated absences will be accepted and participation permitted.
3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
4. If a student is suspended from any class, he or she may not participate in any activity or program that day.
5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

## 2) Dissemination of Policy

Copies of this policy shall be made available to all students and parents **or guardians** at the commencement of each school year. This policy shall also be available upon request in each principal's office.

## 3) Required Reporting

### A. Continuing Truant

Minn. Stat. § 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minn. Stat. § 120A.22 and is absent from instruction in a school, as defined in Minn. Stat. § 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in middle school, junior high school, or high school.

### B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minn. Stat. § 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;

3. That the parent or guardian is obligated to ~~compel~~ **require** the attendance of the child at school pursuant to Minn. Stat. § 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minn. Stat. § 120A.34;
4. That this notification serves as the notification required by Minn. Stat. § 120A.34;
5. That alternative educational programs and services may be available in the child's enrolling or resident district;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent **or guardian** and child may be subject to juvenile court proceedings under Minn. Stat. Ch. 260;
8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minn. Stat. § 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.
2. The superintendent or designee shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minn. Stat. Ch. 260A.

**Rationale:** *The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher and administrators. This policy will assist students in attending class.*

<b>Adoption and Revision History</b>	<b>Incorporated Policies</b>
Policy 503 STUDENT ATTENDANCE This Policy Adopted: January 27, 1998, Revised: January 25, 2005 Rescinded: August 5, 2008	MSBA 503
Policy E-015 STUDENT ATTENDANCE This Policy Adopted: May 20, 2008; Revised: June 24, 2008 Revised: November 22, 2011; Revised: July 23, 2013; Revised: May 27, 2014; Revised: May 26, 2015	
Policy 503 STUDENT ATTENDANCE This Policy Revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:**

Minn. Stat. § 120A.05 (Definitions)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 120A.24 (Reporting)  
Minn. Stat. § 120A.26 (Enforcement and Prosecution)  
Minn. Stat. § 120A.34 (Violations; Penalties)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 260A.02 (Definitions)  
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is Continuing Truant)  
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)  
Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services Neglected and in Foster Care)  
*Goss v. Lopez*, 419 U.S. 565, 95 S.Ct. 729 (1975)  
*Slocum v. Holton Board of Education*, 429 N.W.2d 607 (Mich. App. Ct. 1988)  
*Campbell v. Board of Education of New Milford*, 475 A.2d 289 (Conn. 1984)  
*Hamer v. Board of Education of Township High School District No. 113*, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)  
*Gutierrez v. School District R-1*, 585 P.2d 935 (Co. Ct. App. 1978)  
*Knight v. Board of Education*, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)  
*Dorsey v. Bale*, 521 S.W.2d 76 (Ky. 1975)

**Cross References:**

MSBA/MASA Model Policy 506 (Student Discipline)



Policy Title	Policy Number	Date Approved/Revised
Distribution of Nonschool-Sponsored Materials	505	11/22/11 Revised: 9/25/12 Revised: 5/27/14 Revised: 9/25/18 Revised: 5/21/19 Revised:

1) General Statement of Policy

- A. The school district recognizes that students and employees have the right to express themselves on school property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, nonschool-sponsored material.
- B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the school district, the school board adopts the following regulations and procedures regarding distribution of nonschool-sponsored material on school property and at school activities.

2) Definitions

- A. "Distribute" or "Distribution" means circulation or dissemination of material by means of offering free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing material in internal staff or student mailboxes.
- B. "Nonschool-sponsored material" or "unofficial material" includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks and other publications funded and/or sponsored or authorized by the school. Examples of nonschool-sponsored materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects..
- C. "Obscene to minors" means:
  - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  - 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts, masturbation, excretory functions, and lewd exhibition of the genitals; and
  - 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

- D. "Minor" means any person under the age of eighteen (18).
- E. "Material and substantial disruption" of a normal school activity means:
  - 1. Where the normal school activity is an educational program of the district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
  - 2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- F. "School activities" means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.
- G. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

### 3) Guidelines

- A. Students and employees of the school district have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, nonschool-sponsored material.
- B. Requests for distribution of nonschool-sponsored material will be reviewed by the administration on a case-by-case basis. However, distribution of materials listed below is always prohibited. Material is prohibited that:
  - 1. is obscene to minors;
  - 2. is libelous or slanderous;
  - 3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended.
  - 4. advertises or promotes any product or service not permitted to minors by law;
  - 5. advocates violence or other illegal conduct;

6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religious or ethnic origin);
  7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
- C. Distribution by students and employees of nonschool-sponsored materials on school district property are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and manner of distribution, the administration will consider factors including, but not limited to, the following:
1. Whether the material is educationally related;
  2. The extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;
  3. Whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways;
  4. The quantity or size of materials to be distributed;
  5. Whether distribution would require assignment of school district staff, use of school district equipment, or other resources;
  6. Whether distribution would require that nonschool persons be present on the school grounds;
  7. Whether the materials are a solicitation for goods or services not requested by the recipients.

#### 4) Time, Place, and Manner of Distribution

- A. No nonschool-sponsored material shall be distributed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.
- B. Distribution of nonschool-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school, and school parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
- C. No one shall coerce a student or staff member to accept any publication.
- D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

## 5 Procedures

- A. Any student or employee wishing to distribute nonschool-sponsored material must first submit for approval a copy of the material to the superintendent or designee at least two weeks in advance of desired distribution time, together with a completed "Request for Dissemination" form which shall include:
  - 1. Name and phone number of the person submitting the request and, if a student, the room number of his or her first-period class.
  - 2. Date(s) and time(s) of day intended for display or distribution.
  - 3. Location where material will be displayed or distributed;
  - 4. If intended for students, the grade(s) of students to whom the display or distribution is intended.
- B. Within one school day, the superintendent or designee will review the request and render a decision. In the event that permission to distribute the material is denied or limited, the person submitting the request shall be informed of the reasons for the denial or limitation.
- C. If the person or employee group is dissatisfied with the decision of the superintendent or designee, the person or employee group may submit a written request for appeal to the school board.
- D. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.

## 6) Disciplinary Action

- A. Distribution by any student of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place, and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with the school district's ~~EM-020-15~~ **506** (Student Discipline and Notice of Suspension).
- B. Distribution by any employee of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, school district policies and procedures, and/or governing statute.
- C. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, police assistance will be sought.

7) Notice of Policy to Students and Employees

A copy of this policy will be published in student handbooks and posted in school buildings.

**Rationale:** *The purpose of this policy is to protect the exercise of students' and employees' free speech rights, taking into consideration the educational objectives and responsibilities of the school district.*

Adoption and Revision History	Incorporated Policies
Policy 505 DISTRIBUTION OF NONSCHOOL-SPONSORED MATERIALS ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES This Policy Adopted: November 25, 1997, Revised: March 24, 1998, Rescinded: November 22, 2011	MSBA 505
Policy E-083 DISTRIBUTION OF NONSCHOOL-SPONSORED MATERIALS ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES This Policy Adopted: November 22, 2011; Revised: September 25, 2012; Revised: May 27, 2014; Revised: September 25, 2018	
Policy 505 DISTRIBUTION OF NONSCHOOL-SPONSORED MATERIALS This Policy Revised: May 21, 2019; Revised:	

Administrative Rule, Regulation and Procedure: NA

Legal References: U. S. Const., amend. I  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)  
*Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)  
*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*Bystrom v. Fridley High School*, 822 F.2d 747 (8<sup>th</sup> Cir. 1987)  
*Roark v. South Iron R-1 School Dist.*, 573 F.3d 556 (8<sup>th</sup> Cir. 2009)  
*Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist.*, 640 F.3d 329 (8<sup>th</sup> Cir. 2011), cert. denied 565 U.S.1036, 132 S.Ct. 592 (2011)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)  
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by  
Nonschool Persons)

Policy Title	Policy Number	Date Approved/Revised
Student Discipline & Notice of Suspension	506	5/20/08 Revised: 7/20/10 Revised: 11/22/11 Revised: 7/23/13 Revised: 5/27/14 Revised: 11/25/14 Revised: 5/26/15 Revised: 6/28/16 Revised: 11/22/16 Revised: 9/25/18 Revised: 5/21/19 Revised: Reviewed Annually

1) General Statement of Policy

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

2) Areas of Responsibility

- a) The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.

- b) Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents.
- c) Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- d) Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- e) Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
- f) Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- g) Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- h) Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

### 3) Student Rights

All students have the right to an education and the right to learn.

### 4) Student Responsibilities

All students have the responsibility:

- a) For their behavior and for knowing and obeying all school rules, regulations, policies and procedures;
- b) To attend school daily, except when excused, and to be on time to all classes and other school functions;

- c) To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- d) To make necessary arrangements for making up work when absent from school;
- e) To assist the school staff in maintaining a safe school for all students;
- f) To be aware of all school rules, regulations, policies and procedures, including those in this policy, and to conduct themselves in accord with them;
- g) To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;
- h) To be aware of and comply with federal, state and local laws;
- i) To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- j) To respect and maintain the school's property and the property of others;
- k) To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- l) To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- m) To conduct themselves in an appropriate physical or verbal manner; and
- n) To recognize and respect the rights of others.

#### 5) Code of Student Conduct

- a) The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.
  - 1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
  - 2. The use of profanity or obscene language, or the possession of obscene materials;

3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Violation of the school district's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Violation of the school district's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco, or tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment Policy; **Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;**
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, (except as prescribed by a physician), or look-alike substances, (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physicians, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience,

disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;

21. Violation of the school district's Internet Acceptable Use and Safety Policy;
22. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
23. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
24. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
25. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
26. Possession or distribution of slanderous, libelous or pornographic materials;
27. Violation of the school district's Bullying Prohibition Policy;
28. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
29. Criminal activity;
30. Falsification of any records, documents, notes or signatures;
31. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
32. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
33. Impertinent or disrespectful language or images whether oral or written, related to teachers or other school district personnel;
34. Violation of the school district's Harassment and Violence Policy;
35. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
36. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;

37. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
38. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating or degrading to other people, or threatening to school property;
39. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
40. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
41. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
42. Violation of the school district's one-to-one device rules and regulations;
43. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
44. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.
45. Possession of nuisance devices or objects which cause distractions and may facilitate cheating.

b) Personal Electronic Devices

The Board permits the use of Personal Electronic Devices by district students and employees during the school day in district buildings, on district property, and while students are attending district-sponsored activities during regular school hours when they are in compliance with this Policy, other district policies, regulations, rules, and procedures, and so long as such use does not interfere with the students' educational requirements, students' or employees' responsibilities/duties and performance, the rights and education of others, and the operation and services of the district.

Building level administrators, in consultation with the Superintendent and in compliance with this Policy, other district policies, regulations, rules, and procedures, are authorized to determine the extent of the use of Personal Electronic Devices within their schools, on the school's property, and while students are attending that school's sponsored activities during regular school hours. The use of Personal Electronic Devices at the elementary grade level may be different than that at the middle school, and/or high school grade levels.

The district shall not be liable for the theft, loss, damage, misuse, or unauthorized use of any

Personal Electronic Device brought to school by a student or employee. Students and employees are personally and solely responsible for the security of Personal Electronic Devices brought to school, school events, or district property. The district will not be responsible for restricting, monitoring, or controlling the personal electronic communications of students or employees; however, it reserves the right to do so when the device uses the School District network, or when the use of the device violates this or any other School District policy.

If Personal Electronic Communication Devices are loaned to or borrowed and/or misused by nonowners, the owners of the Personal Electronic Devices are jointly responsible with the nonowner for the misuse and/or violation of district policy, regulations, rules, or procedures.

Students using Personal Electronic Devices must access the Internet using the School District network. Network filters will be applied to access to the Internet and may not be circumvented.

Students and employees must complete an Internet/Bring Your Own Technology (BYOT) user agreement prior to the use of Personal Electronic Devices.

#### 6) Disciplinary Action Options

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- a) Student conference with teacher, principal, counselor or other school district personnel, and verbal warning;
- b) Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- c) Parent contact;
- d) Parent conference;
- e) Removal from class;
- f) In-school suspension;
- g) Suspension from extracurricular activities;
- h) Detention or restriction of privileges;
- i) Loss of school privileges;
- j) In-school monitoring or revised class schedule;

- k) Referral to in-school support services;
- l) Referral to community resources or outside agency services;
- m) Financial restitution;
- n) Referral to police, other law enforcement agencies, or other appropriate authorities;
- o) A request for a petition to be filed in district court for juvenile delinquency adjudication;
- p) Out-of-school suspension under the Pupil Fair Dismissal Act;
- q) Preparation of an admission or readmission plan;
- r) Saturday school;
- s) Expulsion under the Pupil Fair Dismissal Act;
- t) Exclusion under the Pupil Fair Dismissal Act; and/or
- u) Other disciplinary action as deemed appropriate by the school district.

7) Removal of Students from Class

- a) The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class for up to one class or activity period pursuant to the procedures established by this discipline policy. The principal or designee shall have the authority to remove the student from class for a period of time not to exceed five (5) days pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

- b) If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- c) Procedures for Removal of a Student From a Class and Readmission to Class:
  - 1. If a student is causing a disruption to the educational process, a teacher, administrator, or other district employee may remove a student from class.
  - 2. Documentation will vary with the severity of the incident. Communication may include any or all of the following: verbal reprimand, conference, office referral, parent call, note, or email.
  - 3. Staff member will direct student to new location and coordinate supervision. Student is the responsibility of the designated staff member.
  - 4. Depending on the severity, student may be escorted to the new location.
  - 5. While removed from class, student is expected to complete assigned work and meet other conditions for readmission.
  - 6. Staff member may coordinate with the case manager if the student being removed from class is on an Individual Learning Plan (IEP).
  - 7. On-going issues should be referred to the building administration, student assistance team, and/or other designated district employee.

#### 8) Dismissal

- a) "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- b) Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
  - 1. Willful violation of any reasonable school board regulation, including those found in this policy;

2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

c) Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.

5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
7. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
8. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.
9. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
11. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

d) Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further

attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.

2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

#### 9) Admission or Readmission Plan

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior,

including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

#### 10) Notification of Policy Violations

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within thirty (30) days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

#### 11) Student Discipline Records

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

#### 12) Disabled Students

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

#### 13) Open Enrolled Students

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided

appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

14) Distribution of Policy

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's office.

15) Review of Policy

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

Adoption and Revision History	Incorporated Policies
506 STUDENT RIGHTS AND RESPONSIBILITIES This Policy Adopted: January 27, 1998; Revised: January 25, 2005; Rescinded: August 19, 2008	MSBA 506
EM-020.15 STUDENT DISCIPLINE & NOTICE OF SUSPENSION This Policy Adopted: May 20, 2008; Revised: July 20, 2010; Revised: November 22, 2011; July 23, 2013; Revised: May 27, 2014; Revised: November 25, 2014; Revised: May 26, 2015; Revised: June 28, 2016; Revised: November 22, 2016; Revised: September 25, 2018	
516 STUDENT DISCIPLINE & NOTICE OF SUSPENSION This Policy Revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
  - Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
  - Minn. Stat. § 120B.232 (Character Development Education)
  - Minn. Stat. § 121A.26 (School Preassessment Teams)
  - Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
  - Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
  - Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
  - Minn. Stat. §§ 121A.582 (Reasonable Force)
  - Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)

Minn. Stat. § 122A.42 (General Control of Schools)  
Minn. Stat. § 123A.05 (Area Learning Center Organization)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (Enrollment in Nonresident District)  
Minn. Stat. Ch.125A (Students With Disabilities)  
Minn. Stat. §152.22 (Medical Cannabis; Definitions)  
Minn. Stat. §152.23 (Medical Cannabis; Limitations)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Court Act)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

**Cross References:**

MSBA/MASA Model Policy 413 (Harassment and Violence)  
**MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices)**  
MSBA/MASA Model Policy 501 (School Weapons)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 503 (Student Attendance)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Student Hazing Prohibition)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)  
MSBA/MASA Model Policy 610 (Field Trips)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
Clark County Nevada School District Policy P-5136, Personal Technology and Communication Devices  
Central Bucks Pennsylvania School District Policy 829, Personal Electronic Communication Devices

Policy Title	Policy Number	Date Approved/Revised
Student Disability Nondiscrimination	521	5/20/08 Revised: 11/22/11 Revised: 9/25/12 Revised: 1/22/13 Revised: 5/27/14 Revised: 3/28/17 Revised: 5/21/19 Revised:

1) General Statement of Policy

- a) The responsibility of the school district is to identify and evaluate learners **students** who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- b) Disabled students who meet the criteria of Paragraph c. below are protected from discrimination on the basis of a disability.
- 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 major life activities, including learning; or
  - 2. has a record of such impairment; or
  - 3. is regarded as having such impairment.
- 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.

2) Coordinator

Persons who have questions or comments should contact the Director of Student Services, Tricia Hughes **St. Michaels**, 2520 E. 12<sup>th</sup> Avenue, North St. Paul, MN 55109, (651) 748-7452. This person is the supervisor of the school district's 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.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall protect disabled students from discrimination on the basis of disability and identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

Adoption and Revision History	Incorporated Policies
521 STUDENT DISABILITY NONDISCRIMINATION (This policy adopted: October 28, 1997), Rescinded: August 5, 2008	MSBA 521
EM-020.19 STUDENT DISABILITY NONDISCRIMINATION (This policy adopted: May 20, 2008), Revised: November 22, 2011; Revised: September 25, 2012; Revised: January 22, 2013; Revised: May 27, 2014; Revised: March 28, 2017	
521 STUDENT DISABILITY NONDISCRIMINATION This policy revised: May 21, 2019; Revised:	

Administrative Rule, Regulation and Procedure: NA

Legal References: Pub. L. 110-325, 122 Stat. 3553 (ADA Amendments Act of 2008, § 7)  
29 U.S.C. § 794 *et seq.* (§ 504 of Rehabilitation Act of 1973)  
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

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

(Policy Title)	Policy Number	Date Approved/Revised
Student Sex Nondiscrimination (Title IX)	522	5/20/08 Revised: 1/22/13 Revised: 6/24/14 Revised: 6/28/16 Revised: 3/28/17 Revised: 5/21/19 Revised: Reviewed Annually

1) General Statement of Policy

- a) The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- b) Every school district employee shall be responsible for complying with this policy.
- c) The school board hereby designates Tricia Hughes **St. Michaels**, 2520 E. 12<sup>th</sup> Avenue, North St. Paul, MN 55109, (651) 748-7452, ~~thughes~~ **tstmichaels**@isd622.org, as the Title IX Coordinator and the District Human Rights Officer for student issues.
- d) Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

2) Reporting Grievance Procedures

- a) Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district human rights officer or to the superintendent.
- b) In Each School Building. The building principal is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building principal immediately.
- c) Upon receipt of a report or grievance, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the human rights officer. If the report was given verbally,

the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

- d) The school board hereby designates Tricia Hughes **St. Michaels**, 2520 E. 12<sup>th</sup> Avenue, North St. Paul, MN 55109, (651)748-7452, ~~thughes~~ **ststmichaels@isd622.org**, as the school district human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- e) The school district shall conspicuously post the names of the Title IX coordinator and human rights officer, including office addresses and telephone numbers and work e-mail addresses.
- f) Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- g) Use of formal reporting forms is not mandatory.
- h) The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

### 3) Investigation

- a) By authority of the school district, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- b) The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- c) In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- d) In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- e) The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### 4) School District Action

- a) Upon conclusion of the investigation and receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.
- b) The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

#### 5) Reprisal

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

#### 6) Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

#### 7) Dissemination of Policy and Evaluation

- a) This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.
- b) The school district shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

**Rationale:** *School District 622 – North St. Paul-Maplewood-Oakdale shall protect students from discrimination on the basis on sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of the policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.*

Adoption and Revision History	Incorporated Policies
522 STUDENT SEX NONDISCRIMINATION (This policy adopted: October 28, 1997; Rescinded: August 19, 2008)	MSBA 522
EM-020.20 STUDENT SEX NONDISCRIMINATION (TITLE IX) AND UNLAWFUL SEX DISCRIMINATION TOWARDS A STUDENT REPORT FORM (This policy adopted: May 20, 2008; Revised: January 22, 2013; Revised: June 24, 2014); Revised: June 28, 2016; Revised: March 28, 2017	
522 STUDENT SEX NONDISCRIMINATION (TITLE IX) This policy revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. Ch. 363 (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Policy Title	Policy Number	Date Approved/Revised
Internet Acceptable Use	524	5/20/08 Revised: 5/22/12 Revised: 7/23/13 Revised: 5/26/15 Revised: 7/18/17 Revised: 9/25/18 Revised: 5/21/19 Revised: Reviewed Annually

1) General Statement of Policy

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

2) Limited Educational Purpose

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

3) Use of System is a Privilege

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

4) Unacceptable Uses

- a) The following uses of the school district system and Internet resources or accounts are considered unacceptable:
  - 1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit or distribute:

- a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
  - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - d. information or materials that could cause damage or danger of disruption to the educational process;
  - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the school district system to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
  3. Users will not use the school district system to engage in any illegal act or violate any local, state or federal statute or law.
  4. Users will not use the school district system to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change the school district system software, hardware or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
  5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person. Users shall not give their passwords to any other person.
  6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords unless required by an authorized online learning class or is job related, labeled photographs or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
    - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e. communications with parents or other staff members related to students).
    - b. Employees creating or posting school-related webpages may include

personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:

- (1) such information is classified by the school district as directory information, and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy ~~EM-020.17~~ **515**; or
- (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy ~~EM-020.17~~ **515**.

In addition, prior posting to any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as “My Space” and “Facebook.”
7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person’s account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities. Users will not employ any method to discover network services running on equipment either within or outside the District 622 network.
  8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person’s property without the person’s prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
  9. Users will not use the school district system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
  10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district’s Bullying Prohibition Policy (~~EM-020.16~~) **514**. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.

- b) A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- c) If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

#### 5) Filter

- a) With respect to any of its computers with Internet access, the School District will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Child pornography; or
  - 3. Harmful to minors.
- b) The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
  - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- c) Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- d) An administrator, supervisor or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- e) The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

#### 6) Consistency with Other School Policies

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

#### 7) Limited Expectation of Privacy

- a) By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- b) Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- c) An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- d) Parents have the right at any time to investigate or review the contents of their child's files. Parents have the right to request the termination of their child's individual account at any time.
- e) School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 ( the Minnesota Government Data Practices Act).
- f) The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

#### 8) Internet Use Agreement

- a) The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents and employees of the school district.
- b) This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- c) The Internet Use Agreement form for students must be read and signed by the user and the parent or guardian (~~EM-020.21-F1~~). **(524 – F1)** The form must be filed at the school office. Teachers must sign the Internet Use Agreement – Teacher form (~~EM-020.21-F2~~) **(524 – F2)** and all other employees must sign the Internet Use Agreement – Employee form (~~EM-020.21-F3~~) **(524 – F3)**.

#### 9) Limitation on School District Liability

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district diskettes, tapes, hard drives or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be

responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

10) User Notification

- a) All users shall be notified of the school district policies relating to Internet use.
- b) This notification shall include the following:
  1. Notification that Internet use is subject to compliance with school district policies.
  2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district diskettes, hard drives or servers.
    - b. Information retrieved through school district computers, networks or online resources.
    - c. Personal property used to access school district computers, networks or online resources.
    - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
  3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
  6. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy ~~EM-020-4~~, **406**, Public and Private Personnel Data, and Policy ~~EM-020.17~~, **515**, Protection and Privacy of Pupil Records & Public Notice & Juvenile Justice System Request for Information.
  7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
  8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

11) Parents' Responsibility; Notification of Student Internet Use

- a) Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly

offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.

- b) Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
  - 1. A copy of the user notification form provided to the student user.
  - 2. A description of parent/guardian responsibilities.
  - 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
  - 4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
  - 5. A statement that the school district's acceptable use policy is available for parental review.
  - 6. A statement that students are not permitted to use personal electronic communications, such as e-mail, unless specifically authorized by a teacher/online learning teacher for instructional purposes.

12) Implementation; Policy Review

- a) The school district administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms and procedures shall be an addendum to this policy.
- b) The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- c) The school district Internet policies and procedures are available for review by all parents, guardians, staff and members of the community.
- d) Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

**Rationale:** *School District 622 – North St. Paul-Maplewood-Oakdale shall set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.*

Adoption and Revision History	Incorporated Policies
523 INFORMATION NETWORK (This policy adopted: October 1, 1997; revised: February 8, 2005; rescinded: August 5, 2008)	MSBA 524
EM-020.21 INTERNET ACCEPTABLE USE POLICY & INTERNET USE AGREEMENT This policy adopted: May 20, 2008; Revised: May 22, 2012; Revised: July 23,	

2013; Revised: May 26, 2015; Revised: July 18, 2017; Revised: September 25, 2018	
524 INTERNET ACCEPTABLE USE This policy revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:**

- 15 U.S.C. § 6501 *et seq.* (Children’s Online Privacy Protection Act)
- 17 U.S.C. § 101 *et seq.* (Copyrights)
- 47 U.S.C. § 254 (Children’s Internet Protection Act of 2000 (CIPA))
- 47 C.F.R. § 54.520 (FCC rules implementing CIPA)
- Minn. Stat. § 121A.031 (School Student Bullying Policy)
- Minn. Stat. § 125B.15 (Internet Access for Students)
- Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
- Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
- United States v. Amer. Library Association*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)
- Doninger v. Niehoff*, 527 F.3d 41 (2<sup>nd</sup> Cir. 2008)
- R.S. v. Minnewaska Area Sch. Dist. No. 2149*, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)
- Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), *aff’d* on other grounds 816 N.W.2d 509 (Minn. 2012)
- S.J.W. v. Lee’s Summit R-7 Sch. Dist.*, 696 F.3d 771 (8<sup>th</sup> Cir. 2012)
- Kowalski V. Berkeley County Sch.*, 652 F. 3d 656 (4<sup>th</sup> Cir. 2011)
- Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3<sup>rd</sup> Cir. 2011)
- Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F. Supp. 2d 888 (W.D. Mo. 2012)
- M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)
- J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)

**Cross References:**

- MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
- MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
- MSBA/MASA Model Policy 506 (Student Discipline)
- MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
- MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
- MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
- MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
- MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
- MSBA/MASA Model Policy 603 (Curriculum Development)
- MSBA/MASA Model Policy 604 (Instructional Curriculum)
- MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
- MSBA/MASA Model Policy 806 (Crisis Management Policy)
- MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

Policy Title	Policy Number	Date Approved/Revised
Staff Notification of Violent Behavior by Students	529	11/22/16 Revised: 5/21/19 Revised:

1) General Statement of Policy

- A. Any staff member or other employee of the school district who obtains or possesses information concerning a student in the building with a history of violent behavior shall immediately report said information to the principal of the building in which the student attends school.
- B. The administration will meet with the assigned classroom teacher and other appropriate staff members for the purpose of notifying and determining how staff will manage such student.
- C. Only staff members who have a legitimate educational interest in the information will receive notification.

2) Definitions

For purposes of this policy, ~~the following terms~~ **are defined as follows:** ~~have the meaning given them.~~

- A. Administration  
“Administration” means the superintendent, building principal, or other designee.
- B. Classroom Teacher  
“Classroom teacher” means the instructional personnel responsible for the course or room to which a student is assigned at any given time, including a substitute hired in place of the classroom teacher.
- C. History of Violent Behavior
  - 1. A student will be considered to have a history of violent behavior if incident(s) of violence, including any documented physical assault of a school district employee by the student, have occurred during the current or previous school year.
  - 2. If a student has an incident of violence during the current or previous school year, that incident and all other past related or similar incidents of violence will be reported.
- D. Incident(s) of Violence

“Incident(s) of violence” means willful conduct in which a student endangers or causes physical injury to the student, other students, a school district employee, or surrounding person(s) or endangers or causes significant damage to school district property, regardless of whether related to a disability or whether discipline was imposed.

E. Legitimate Educational Interest

“Legitimate educational interest” includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for educational data. It includes a person’s need to know in order to:

1. Perform an administrative task required in the school or the employee’s contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student’s education; or
3. Perform a service or benefit for the student or the student’s family such as health care, counseling, student job placement, or student financial aid.
4. Perform a task directly related to responding to a request for data.

F. School Staff Member

“School staff member” includes:

1. A person duly elected to the school board;
2. A person employed by the school board in an administrative, supervisory, instructional, or other professional position;
3. A person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and
4. A person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

3) Procedure for Staff Notification of Students with Violent Behavior

A. Reports of Violent Behavior

Any staff member or other employee of the school district who becomes aware of any information regarding the violent behavior of an enrolling student or any student enrolled in the school district shall immediately report the information to the building principal where the student is enrolled or seeks to enroll.

B. Recipients of Notice

Each classroom teacher of a student with a history of violent behavior (see Section 2C., above) will receive written notification from the administration prior to placement of the student in the teacher's classroom. In addition, written notice will be given by the administration to other school staff members who have a legitimate educational interest, as defined in this policy, when a student with a history of violent behavior is placed in a teacher's classroom. The administration will provide notice to anyone substituting for the classroom teacher or school staff member, who has received notice under this policy, that the substitute will be overseeing a student with a history of violent behavior.

The administration may provide other school district employees or individuals outside of the school district with information regarding a student, including information regarding a student's history of violent behavior, in accordance with Policy ~~EM-020.17~~ **515**, Protection and Privacy of Pupil Records.

C. Determination of Who Receives Notice

The determination of which classroom teachers and school staff members have a legitimate educational interest in information regarding a student with a history of violent behavior will be made by either: (1) the school district's Responsible Authority appointed by the school board under the Minnesota Government Data Practices Act or (2) the administration. In the event the administration makes this determination, the Responsible Authority will provide guidance to the administration as to what data will be shared.

D. Form of Written Notice

The notice given to classroom teachers and school staff members will be in writing and will include the following:

1. Name of the student;
2. Date of notice;
3. Notification that the student has been identified as a student with a history of violent behavior as defined in Section 2. of this policy; and
4. Reminder of the private nature of the data provided.

E. Record of Notice

1. The administration will retain a copy of the notice or other documentation provided to classroom teachers and school staff members notified under this section.
2. Retention of the written notice or other documentation provided to classroom teachers and school staff members is governed by the approved Records Retention Schedule.

F. Meetings Regarding Students with a History of Violent Behavior

1. If the administration determines, in his or her discretion, that the classroom teacher and/or school staff members with a legitimate educational interest in such data reasonably require access to the details regarding a student's history of violent behavior for purposes of school safety and/or intervention services for the student, the administration also may convene a meeting to share and discuss such data.
2. The persons present at the meeting may have access to the data described in Section 3.D., above.

G. Law Enforcement Reports

Staff members will be provided with notice of disposition orders or law enforcement reports received by the school district in accordance with Policy ~~EM-020.17~~ **515**, Protection and Privacy of Pupil Records. Where appropriate, information obtained from disposition orders or law enforcement reports also may be included in a Notification of Violent Behavior.

4) Maintenance and Transfer of Records

A report, notice, or documentation pertaining to a student with a history of violent behavior are educational records of a student and will be retained, maintained, and transferred to a school or school district in which a student seeks to enroll in accordance with Policy ~~EM-020.17~~ **515** Protection and Privacy of Pupil Records.

5) Parental Notice

- A. The administration will notify parents **or guardians** annually that the school district gives classroom teachers and other school staff members notice about students' history of violent behavior.
- B. Prior to providing the written notice of a student's violent behavior to classroom teachers and/or school staff members, the administration will inform the student's parent or guardian that such notice will be provided.
- C. Parents **or guardians** will be given notice that they have the right to review and challenge records or data, including the data documenting the history of violent behavior, in accordance with Policy ~~EM-020.17~~ **515**, Protection and Privacy of Pupil Records.

6) Training Needs

Representatives of the school board **or designee, along with** ~~and~~ representatives of the teachers, will **may** discuss ~~the needs of students and staff. The parties may discuss~~ necessary training and intervention services **which may include conflict resolution, positive behavior interventions, and behavioral assessments.** ~~which may include training on conflict resolution and positive behavior interventions and may discuss necessary intervention services such as student behavioral assessments.~~

**Rationale:** *In an effort to provide a safe school environment, the assigned classroom teacher and certain staff members should know whether a student to be placed in the classroom has a history of violent behavior. Additionally, decisions should be made regarding how to manage such a student.*

*The purpose of this policy is to address the circumstances in which data should be provided to classroom teachers and other school staff members about students with a history of violent behavior and to establish a procedure for notifying staff regarding the placement of students with a history of violent behavior.*

Adoption and Revision History	Incorporated Policies
Policy E-094 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS This Policy Adopted: November 22, 2016	MSBA 529
529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS This Policy Revised: May 21, 2019 Revised:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.22, Subd. 7 (School Attendance - Education Records)  
Minn. Stat. § 121A.45 (Grounds for Dismissal)  
Minn. Stat. § 121A.64 (Notification of Students with Violent Behavior)  
Minn. Stat. § 121A.75 (Law Enforcement Notice to Schools)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Rules Implementing FERPA)  
Minn. Laws 2003, 1<sup>st</sup> Sp., Ch. 9, Art. 2, § 53

**Cross References:** MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Policy Title	Policy Number	Date Approved/Revised
Use of Peace Officers & Crises Teams to Remove Students With IEPs from School Grounds	532	5/20/08 Revised: 11/22/11 Revised: 7/23/13 Revised: 6/28/16 Revised: 5/21/19 Revised:

### 1) General Statement of Policy

The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

### 2) Definitions

For purposes of this policy, ~~the following terms have the meaning given them in this section~~ **are defined as follows:**

- a) "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- b) "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- c) "Police liaison officer" is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- d) "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.

- e) The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- f) “Emergency” means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- g) All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

### 3) Removal of Students with IEPs from School Grounds

#### a) Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may be summoned. The crisis team may attempt to de-escalate the student’s behavior by means including, but not limited to, those described in the student’s IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student’s behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student’s behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

#### b) Removal By Police Liaison Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team, building administrator, or the building administrator’s designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student’s IEP team must meet to determine if the student’s IEP is adequate or if additional evaluation is needed.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district’s policy, Protection and Privacy of Pupil Records.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

#### c) Reasonable Force Permitted

In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minn. Stat. § 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheel chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Stat. § 626.556;
6. Physical holding (as defined in Minn. Stat. § 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or;
8. Denying a child access to toilet facilities.

d) Parental Notification

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

e) Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

f) Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the

student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minn. Stat. § 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942.

g) Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of ~~prone restraints~~ **seclusion**. ~~By June 30~~ **January 15, April 15, July 15, and October 15** of each year, districts must report ~~summary data on the use of restrictive procedures to the MDE,~~ in a form and manner determined by the Commissioner, **about individual students who have been secluded. By July 15 each year, districts must report summary data.** The summary data must include information ~~about~~ **on** the use of restrictive procedures **for the prior school year, July 1 through June 30**, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

Adoption and Revision History	Incorporated Policies
532 USE OF PEACE OFFICERS & CRISES TEAMS TO REMOVE STUDENTS WITH IEPs This Policy Adopted: December 13, 2005; Rescinded: August 5, 2008	MSBA 532
EM-020.23 USE OF PEACE OFFICERS & CRISES TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS This Policy Adopted: May 20, 2008; Revised: November 22, 2011 Revised: July 23, 2013; Revised: June 28, 2016	
532 USE OF PEACE OFFICERS & CRISES TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS This Policy Revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

- Legal References:**
- 20 U.S.C. § 1415(k)( 6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))
  - 34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)
  - 20 U.S.C. 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
  - Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
  - Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
  - Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
  - Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
  - Minn. Stat. § 121A.67, Subd. 2 (Aversive and Deprivation Procedures)
  - Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)

Minn. Stat. § 609.06 (Authorized Use of Force)  
Minn. Stat. § 609.379 (Permitted Actions)

**Cross References:**

MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Policy Title	Policy Number	Date Approved/Revised
Curriculum Development	603	7/20/10 Revised: 11/22/11 Revised: 9/25/12 Revised: 11/26/13 Revised: 5/27/14 Revised: 5/26/15 Revised: 7/18/17 Revised: 3/26/19 Revised: 5/21/19 Revised:

1) General Statement of Policy

- a) Curriculum development shall be directed toward the fulfillment of the goals and objectives of the education program of the school district.

2) Responsibility

- a) The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research on the school district's curriculum needs and establishing a long range curriculum development program. Timelines shall be determined by the superintendent that will provide for periodic reviews of each curriculum area.
- b) A district advisory committee shall provide assistance at the request of the superintendent. The advisory committee membership shall be a reflection of the community and, to the extent possible, shall reflect the diversity of the district and its school sites, and shall include parent, teacher, **school board member**, support staff, student, community residents, and administration representation, and shall provide translation to the extent appropriate and practicable. Whenever possible, parents and other committee residents shall comprise at least two-thirds of advisory committee members.
- c) Within the ongoing process of curriculum development, the following needs shall be addressed:
1. Provide for articulation of courses of study from kindergarten through grade twelve.
  2. Identify minimum objectives for each course and at each elementary grade level.
  3. Provide for continuing evaluation of programs for the purpose of attaining school district objectives.
  4. Provide a program for ongoing monitoring of student progress.
  5. Provide for specific, particular, and special needs of all members of the student community.
  6. Develop a local literacy plan to have every child reading at or above grade level no later than the end of grade 3, including English learners, and teachers providing comprehensive, scientifically based reading instruction consistent with law.

7. Integrate required and elective course standards in the scope and sequence of the district curriculum.
  8. Meet all applicable requirements of the Minnesota Department of Education and federal law.
- d) Students who do not meet or exceed 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 Minn. Stat. § 120A.20, Subd. 1(c). A student’s plan under this section shall continue while the student is enrolled.**
- d)e) The superintendent shall be responsible for keeping the school board informed of all state-mandated curriculum changes, as well as recommended discretionary changes and for periodically presenting recommended modifications for school board review and approval.
- e)f) The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to curriculum development.

**Rationale:** School District 622 – North St. Paul-Maplewood-Oakdale shall provide direction for continuous review and improvement of the school curriculum.

Adoption and Revision History	Incorporated Policies
603 CURRICULUM DEVELOPMENT This policy adopted: January 13, 1998; Revised January 25, 2005; Rescinded: July 20, 2010	MSBA 603
EM-020.30 CURRICULUM DEVELOPMENT This policy adopted: July 20, 2010; Revised: November 22, 2011; Revised: September 25, 2012; Revised: November 26, 2013; Revised: May 27, 2014; Revised: May 26, 2015; Revised: July 18, 2017; Revised: March 26, 2019	
603 CURRICULUM DEVELOPMENT This policy revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure:** NA

**Legal References:** Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.12 (Reading Proficiently no Later than the End of Grade 3)  
**Minn. Stat § 120B.125(f) (Planning for Students’ Successful Transition to Postsecondary Education and Employment)**  
Minn. Rules Part 3500.0550 (Inclusive Educational Program)  
Minn. Rules Parts 3501.0640-3501.0655(Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1000-3501.1190 (Graduation-Required Assessment for Diploma) (repealed)

Minn. L. 2013, Ch. 116, Art. 2, § 22)  
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)  
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

**Cross References:**

MSBA/MASA Model Policy 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 605 (Alternative Programs)  
MSBA/MASA Model Policy 613 (Graduation Requirements)  
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)  
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
MSBA/MASA Model Policy 616 (School District System Accountability)  
MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)  
MSBA/MASA Model Policy 618 (Assessment of Standard Achievement)  
MSBA/MASA Model Policy 619 (Staff Development for Standards)  
MSBA/MASA Model Policy 620 (Credit for Learning)  
MSBA/MASA Model Policy 623 (Mandatory Summer School Instruction)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>School District System Accountability</b>	<b>616</b>	<b>7/20/10</b> <b>Revised: 11/22/11</b> <b>Revised: 11/27/12</b> <b>Revised: 11/26/13</b> <b>Revised: 6/28/16</b> <b>Revised: 7/18/17</b> <b>Revised: 3/26/19</b> <b>Revised: 5/21/19</b> <b>Revised:</b>

1) General Statement of Policy

- a) Implementation of the Minnesota Academic Standards and federal law will require a new level of accountability for the school district. The school district will establish a system to transition to the graduation requirements of the Minnesota Academic Standards. The school district also will establish a system to review and improve instruction, curriculum, and assessment which will include substantial input by students, parents or guardians, and local community members. The school district will be accountable to the public and the state through annual reporting.

2) Definitions

- a) "Credit" means a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter as determined by the school district.
- b) "Graduation Standards" means the credit requirements and locally adopted content standards or Minnesota Academic Standards that school districts must offer and certify that students complete to be eligible for a high school diploma.
- c) "World's Best Workforce" means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

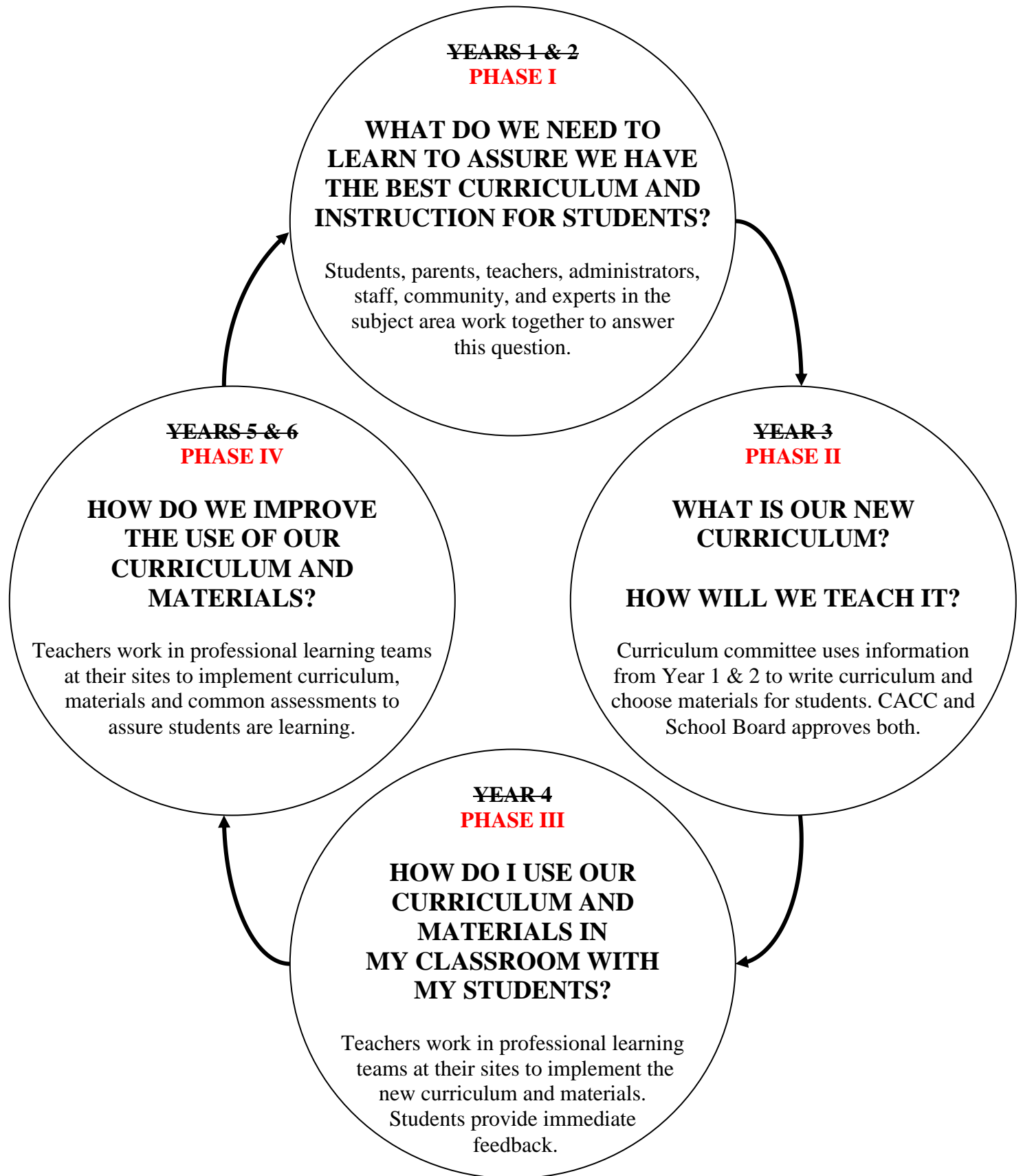
3) Establishment of Goals; Implementation; Evaluation and Reporting

a) School District Goals

- 1. The school board has established school district-wide goals which provide broad direction for the school district. Incorporated in these goals are the graduation and education standards contained in the Minnesota Academic Standards and federal law. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the recommendations of the Advisory Committee for Comprehensive Continuous Improvement of Student Achievement (the "Advisory Committee").
- 2. The improvement goals should address recommendations identified through the Advisory Committee process. The school district's goal setting process will include consideration of individual site goals. School district goals may be developed through an education effectiveness program, an evaluation of student progress committee, or through some other locally determined process.

- b) System for Reviewing All Instruction and Curriculum. Incorporated in the process will be analysis of the school district's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under Minn. Stat. § 123B.147, Subd. 3, and teacher evaluations under Minn. Stat. § 122A.40, Subd. 8, or 122A.41, Subd. 5.

# District 622 Curriculum Improvement Cycle



c) Implementation of Graduation Requirements

1. The school board shall appoint a Graduation Standards Implementation Committee which shall advise the school board on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of this committee shall be published annually to the community. The school board shall receive public input and comment and shall adopt or update this policy at least annually. The Graduation Standards Implementation Committee will be comprised of the Advisory Committee for Comprehensive Continuous Improvement of Student Achievement.
2. The school board shall annually review and determine if student achievement levels at each school site meet state expectations. If the school board determines that student achievement levels at a school site do not meet state expectations and the site has not made adequate yearly progress for two consecutive school years, the Graduation Standards Implementation Committee shall work with the school site to adopt a plan to raise student achievement levels to meet state and local expectations. The Graduation Standards Implementation Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) (the Commissioner) in developing a plan which must include parental involvement components.
3. The educational assessment system component utilized by the school board to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or district-wide assessments. The school board will utilize models developed by the Commissioner for measuring individual student progress. The school board must coordinate with MDE in evaluating school sites and continuous improvement plans, consistent with best practices.

d) Advisory Committee for Comprehensive Continuous Improvement of Student Achievement

1. By December 15th of each year, the Advisory Committee will meet to advise and assist the school district in the implementation of the school district system accountability and comprehensive continuous improvement process.
2. The Advisory Committee, working in cooperation with other committees of the school district, will provide active community participation in:
  - a. Reviewing the school district instructional and curriculum plan, with emphasis on implementing the Minnesota Graduation Standards;
  - b. Identifying annual instruction and curriculum improvement goals for recommendation to the school board;
  - c. Making recommendations regarding the evaluation process that will be used to measure school district progress toward its goals;

- d. Advising the school board about development of the annual budget for Curriculum, Staff Development, and Instructional Technology.
3. The Advisory Committee shall meet the following criteria:
- a. The Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
  - b. The Advisory Committee shall make recommendations to the school board on school district-wide standards, assessments, and program evaluation.
  - c. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the school district improvement plan.
  - d. A local plan to evaluate student progress, using a local process, shall be used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the Advisory Committee in the instruction and curriculum review process. This plan shall annually be approved by the school board.
4. The Advisory Committee shall, when possible, be comprised of two-thirds community representatives and shall reflect the diversity of the community. Included in its membership should be:
- a. District Curriculum Coordinator
  - b. Principal
  - c. School Board Member
  - d. Student Representative
  - e. One teacher from each instructional level
  - f. Two parents from each instructional level
  - g. Two residents without school-aged children, non-representative of local business or industry
  - h. Two residents representative of local business or industry
  - i. District Assessment Coordinator

5. Translation services should be provided to the extent appropriate and practicable.
- e) Evaluation of Student Progress Committee. A committee of professional staff shall develop a plan for assessment of student progress toward Literacy by Grade 3, the Graduation Standards, as well as program evaluation data for use by the Advisory Committee to review instruction and curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. This plan shall annually be approved by the school board.
- f) Reporting.
1. Consistent with Minn. Stat. § 120B.36, Subd. 1, the school board shall publish a report in the local newspaper with the largest circulation in the district, by mail, or by electronic means on the school district website. The school board shall hold an annual public meeting to review and revise, where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction and cultural competency and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and to review school district success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to the world's best workforce. The school board must transmit an electronic summary of its report to the Commissioner in the form and manner the Commissioner determines. The school district shall periodically survey affected constituencies in their native languages, where appropriate and practicable, about their connection to and level of satisfaction with school. The school district shall include the results of this evaluation in its published reports and in its summary report to the Commissioner.
  2. **The school performance report for a school site and a school district must include performance reporting information and calculate proficiency rates as required by the most recently reauthorized Elementary and Secondary Education Act.**

**Rationale:** *The district shall focus public education strategies on a process which promotes higher academic achievement for all students and ensures broad-based community participation in decisions regarding the implementation of the Minnesota Academic Standards and federal law.*

Adoption and Revision History	Incorporated Policies
EM-020.28 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY This Policy Adopted: July 20, 2010 Revised: November 22, 2011; Revised: November 27, 2012; Revised: November 26, 2013; Revised: June 28,	MSBA 616

2016; Revised: July 18, 2017; Revised: March 26, 2019	
616 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY This Policy Revised: May 21, 2019; Revised:	

**Administrative Rule, Regulation and Procedure: NA**

**Legal References:**

Minn. Stat. § 120B.02 (Educational Expectations for Minnesota’s Students)  
Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.35 (Student Achievement Levels)  
Minn. Stat. § 120B.36 (School Accountability; Appeals Process)  
Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)  
Minn. Stat. § 123B.04 (Site Decision Making Agreement)  
Minn. Stat. § 123B.147, Subd. 3 (Principals)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0505-3501.0745 (Mathematics)  
Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (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)  
20 U.S.C. § 6301, *et seq.* (No Child Left Behind Act)

**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 615 (Basic Standards Testing, Accommodations, Modifications, and Exemptions for IEP, Section 504 Accommodation, and LEP Students)  
MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)  
MSBA/MASA Model Policy 618 (Assessment of Standard Achievement)  
MSBA/MASA Model Policy 619 (Staff Development for Standards)  
MSBA/MASA Model Policy 620 (Credit for Learning)

Policy Title	Policy Number	Date Approved/Revised
Assessment of Student Achievement	618	3/27/12 Revised: 9/25/12 Revised: 11/26/13 Revised: 5/26/15 Revised: 6/28/16 Revised: 7/18/17 Revised: 3/26/19 Revised: 5/21/19 Revised:

1) General Statement of Policy

The school district has established a procedure by which students shall complete the Graduation Requirements. This procedure includes the adoption of performance assessment methods to be used in measuring student performance. The school district strives to continually enhance student achievement of Graduation Requirements.

2) Definitions

- A. "Above-grade level" test items contain subject area content that is above the grade level of the student taking the assessment and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student's grade level, administering above-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.
- B. "Academic standard" means a summary description of student learning in a required content area or elective content area.
- C. "Below-grade level" test items contain subject area content that is below the grade level of the student taking the test and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards below the student's current grade level. Notwithstanding the student's grade level, administering below-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.
- D. "Benchmark" means the specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.
- E. "Career and college ready," for purposes of statewide accountability, means a high school graduate has the knowledge, skills, and competencies to successfully pursue a career pathway, including postsecondary credit leading to a degree, diploma, certificate, or industry-recognized credential and employment. Students who are career and college ready are able to successfully complete credit-bearing coursework at a two- or four-year college or university or other credit-bearing postsecondary program without need for remediation.

- F. “Computer-adaptive assessments” mean fully adaptive assessments.
- G. “Cultural competence,” for purposes of statewide accountability, means the ability and will to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds.
- H. “Elective standard” means a locally adopted expectation for student learning in career and technical education and world languages.
- I. “Experiential learning” means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, or other cooperative work experience, youth apprenticeship, or employment.
- J. “Fully adaptive assessments” include on-grade level test items and items that may be above or below a student’s grade level.
- K. “On-grade level” test items contain subject area content that is aligned to state academic standards for the grade level of the student taking the assessment.
- L. “Required standard” means a statewide adopted expectation for student learning in the content areas of English language arts, mathematics, science, social studies, physical education, and the arts, or a locally adopted expectation for student learning in health or the arts.

### 3) Establishment of Criteria for Assessment

- A. The superintendent shall establish criteria by which student performance of local academic standards and elective standards are to be evaluated and approved. The criteria will be submitted to the school board for approval. Upon approval by the school board, the criteria shall be deemed part of this policy.
- B. The superintendent shall ensure that students and parents or guardians are provided with notice of the process by which academic standards will be assessed.
- C. Staff members will be expected to utilize staff development opportunities to the extent necessary to ensure effective implementation of assessments under the Minnesota Academic Standards.

### 4) Standards for Minnesota Academic Standards Performance Assessments

- A. Benchmarks  
  
The school district will offer and students must achieve all benchmarks for an academic standard to satisfactorily complete that state standard. These benchmarks will be used by the school district and its staff in developing tests to measure student academic knowledge and skills.
- B. Statewide Academic Standards Testing

1. The school district will utilize statewide assessments developed from and aligned with the state's required academic standards as these tests become available to evaluate student progress toward career and college readiness in the context of the state's academic standards.
2. The school district will administer annually, in accordance with the process determined by the Minnesota Department of Education, the state-constructed tests aligned with state standards to all students in grades 3 through 8 and at the high school level as follows:
  - a. computer-adaptive reading and mathematics assessments in grades 3 through 8;
  - b. high school reading in grade 10, mathematics in grade 11, and a high school writing test, when it becomes available; and
  - c. science assessments in one grade in the grades 3 through 5 span, the grades 6 through 8 span, and a life science assessment in the grades 9 through 12 span (a passing score on high school science assessments is not a condition of receiving a diploma).
3. The school district will develop and administer locally constructed tests in social studies, health and physical education, and the arts to determine if a student has met the required academic standards in these areas.
4. The school district may use a student's performance on a statewide assessment as one of the multiple criteria to determine grade promotion or retention. The school district also may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.
5. For students in grade 8 in the 2012-2013 school year and later, the school district must record on the high school transcript a student's progress toward career and college readiness. For other students, this record of progress must be made as soon as practicable. In addition, the school district may include a notation of high achievement on the high school diplomas of those graduating seniors who, according to established school board criteria, demonstrate exemplary academic achievement during high school.
6. Students who do not meet or exceed the Minnesota Academic Standards, as measured by the Minnesota Comprehensive Assessments administered in high school, must be informed that admission to a public school is free and available to any resident under 21 years of age. The school district will determine how this notice is given.

**C. Student Participation**

1. **The Commissioner of Education must create and publish a form for parents and guardians that:**

- a. **Explains the need for state academic standards;**
  - b. **Identifies the state assessments that are aligned with state standards;**
  - c. **Identifies the consequences, if any, the school and student may face if a student does not participate in state or locally required standardized assessments.**
  - d. **States that students who receive a college ready benchmark on the high school Minnesota Comprehensive Assessment are not required to take a remedial, noncredit course at a Minnesota state college or university in the corresponding subject area;**
  - e. **Summarizes the provisions in Minn. Stat. § 120B.301(a) and (c); and**
  - f. **Notifies a parent or guardian of the right to not have the parent's child participate in the state and locally required assessments and asks a parent that chooses to not have a child participate in the assessments the basis for the decision.**
2. **The school district must post the form created by the Commissioner on the school district website and include it in the school district's student handbook**

**C5.** Rigorous Course of Study Waiver

- 1. Upon receiving a student's application signed by the student's parent or guardian, the school district must declare that a student meets or exceeds a specific academic standard required for graduation if the school board or designee determines that the student:
  - a. is participating in a course of study, including an advanced placement or international baccalaureate course or program; a learning opportunity outside the curriculum of the school district; or an approved preparatory program for employment or post-secondary education that is equally or more rigorous than the corresponding state or local academic standard required by the school district;
  - b. would be precluded from participating in the rigorous course of study, learning opportunity, or preparatory employment or post-secondary education program if the student were required to achieve the academic standard to be waived; and
  - c. satisfactorily completes the requirements for the rigorous course of study, learning opportunity, or preparatory employment or post-secondary education program.

2. The school board or designee also may formally determine other circumstances in which to declare that a student meets or exceeds a specific academic standard that the site requires for graduation under this section.
3. A student who satisfactorily completes a post-secondary enrollment options course or program or an advanced placement or international baccalaureate course or program is not required to complete other requirements of the academic standards corresponding to that specific rigorous course of study.

#### 5)6 Career Exploration Assessment

- A. Student assessments, in alignment with state academic standards, shall include clearly defined career and college readiness benchmarks and satisfy Minnesota's postsecondary admissions requirements. Achievement and career and college readiness in mathematics, reading, and writing must also be assessed. When administering formative or summative assessments used to measure the academic progress, including the oral academic development, of English learners and inform their instruction, schools must ensure that the assessments are accessible to the students and students have the modifications and supports they need to sufficiently understand the assessments.
- B. On an annual basis, the school district must use the career exploration elements in these assessments, beginning no later than grade 9, to help students and their families explore and plan for postsecondary education or careers based on the students' interests, aptitudes, and aspirations. The school district must use timely regional labor market information and partnerships, among other resources, to help students and their families successfully develop, pursue, review, and revise an individualized plan for postsecondary education or a career. This process must help increase students' engagement in and connection to school, improve students' knowledge and skills, and deepen students' understanding of career pathways as a sequence of academic and career courses that lead to an industry-recognized credential, an associate's degree, or a bachelor's degree and are available to all students, whatever their interests and career goals.
- C. All students, except those eligible for alternative assessments, will be encouraged to participate on a nationally normed college entrance exam in grade 11 or 12. A student under this paragraph who demonstrates attainment of required state academic standards on these assessments, which include career and college readiness benchmarks, is academically ready for a career or college and is encouraged to participate in courses awarding college credit to high school students. Such course and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

To the extent state funding for college entrance exam fees is available, the school district will pay the cost, one time, for an interested student in grade 11 or 12, who is eligible for a free or reduced-priced meal, to take a nationally recognized college entrance exam before graduating. The school district may require a student who is not eligible for a free or reduced-priced meal to pay the cost of taking a nationally recognized college entrance exam. The school district will waive the cost for a student who is unable to pay.

- D. As appropriate, students through grade 12 must continue to participate in targeted instruction, intervention, or remediation and be encouraged to participate in courses awarding college credit to high school students.
- E. In developing, supporting, and improving students' academic readiness for a career or college, the school district must have a continuum or empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teacher know how well students must perform to have a reasonable chance to succeed in a career of college without need for postsecondary remediation.

**Rationale:** *The purpose of this policy is to institute a process for the establishment and revision of assessments to measure achievement toward meeting the Minnesota Academic Standards, track academic progress over time, and provide Minnesota graduates information related to career and college readiness.*

Adoption and Revision History	Incorporated Policies
Policy E-089 ASSESSMENT OF STUDENT ACHIEVEMENT This Policy Adopted: March 27, 2012 Revised: September 25, 2012; Revised: November 26, 2013 Revised: May 26, 2015; Revised: June 28, 2016; Revised: July 18, 2017; Revised: March 26, 2019	MSBA 618
618 ASSESSMENT OF STUDENT ACHIEVEMENT This Policy Revised: May 21, 2019; Revised:	

Administrative Rule, Regulation and Procedure: NA

- Legal References:
- Minn. Stat. § 120B.018 (Definitions)
  - Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)
  - Minn. Stat. § 120B.021 (Required Academic Standards)
  - Minn. Stat. § 120B.022 (Elective Standards)
  - Minn. Stat. § 120B.023 (Benchmarks)
  - Minn. Stat. § 120B.11 (School District Process)
  - Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)
  - Minn. Stat § 120B.31 (System Accountability and Statistical Adjustments)**
  - Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
  - Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
  - Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)
  - Minn. Rules Parts 3501.0900-3501.0955 (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)
  - 20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

- 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 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)

MSBA/MASA Model Policy 616 (School District System Accountability)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Online Learning Options</b>	<b>624</b>	<b>3/27/12</b> <b>Revised: 9/25/12</b> <b>Revised: 7/23/13</b> <b>Revised: 5/21/19</b> <b>Revised:</b>

1) General Statement of Policy

- A. The school district shall not prohibit an enrolled student from applying to enroll in online learning.
- B. The school district shall grant academic credit for completing the requirements of an online learning course or program.
- C. The school district shall allow an online learning student to have the same access to the computer hardware and education software available in the school district as all other students in the school district. An online learning provider must assist an online learning student whose family qualifies for education tax credit to acquire computer hardware and educational software for online learning purposes.
- D. The school district shall continue to provide non-academic services to online learning students.
- E. Online learning students may participate in the extracurricular activities of the school district on the same basis as other enrolled students.

2) Definitions

- A. “Blended learning” is a form of digital learning that occurs when a student learns part time in a supervised physical setting and part time through digital delivery of instruction, or a student learns in a supervised physical setting where technology is used as a primary method to deliver instruction.
- B. “Digital learning” is learning facilitated by technology that offers students an element of control over the time, place, path or pace of their learning and includes blended and online learning.
- C. “Enrolling district” means the school district or charter school in which a student is enrolled under Minn. Stat. §120A.22, Subd. 4, for purposes of compulsory education.
- D. “Full-time online learning provider” means an enrolling school authorized by the Minnesota Department of Education (MDE) to deliver comprehensive public education at any or all of the elementary, middle, or high school levels.
- E. “Online learning course syllabus” is a written document that an online learning provider transmits to the enrolling school district using a format prescribed by the Commissioner of MDE (Commissioner) to identify the state academic standards embedded in an online learning course, the course content outline, required course assessments, expectations for actual teacher contact

time, and other student-to-teacher communications, and the academic support available to the online learning student.

- F. "Online learning" is a form of digital learning delivered by an approved online learning provider under Paragraph 2.H.
- G. "Online learning student" is a student enrolled in an online learning course or program delivered by an authorized online learning provider.
- H. "Online learning provider" is a school district, an intermediate school district, or an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides online learning to students and is approved by MDE to provide online learning courses.
- I. "Student" is a Minnesota resident enrolled in a public school, a nonpublic school, church or religious organization, or home school in which a child is provided instruction in compliance with Minn. Stat. §§ 120A.22 and 120A.24.
- J. "Supplemental online learning" means an online learning course taken in place of a course period at a local district school.

### 3) Procedures

#### A. Dissemination and Receipt of Information

1. The school district shall make available information about online learning to all interested students. The school district may utilize the list of approved online learning providers and online learning courses and programs developed, published, and maintained by the Minnesota Department of Education.
2. The school district will receive and maintain information provided to it by online learning providers.
3. The online learning provider must report or make available information on an individual student's progress and accumulated credit to the student, the student's parent, and the enrolling district in a manner specified by the Commissioner unless the enrolling district and the online learning provider agree to a different form of notice and notify the Commissioner.
4. The enrolling district must designate a contact person to help facilitate and monitor the student's academic progress and accumulated credits toward graduation.

#### B. Student Enrollment

1. A student may apply for full-time enrollment in an approved online learning program. The student must have the written consent of a parent or guardian to do so if the student is under eighteen (18) years of age.
2. The student and the student's parents **or guardian** must submit an application to the online learning provider and identify the student's reason for enrolling. An online learning provider that accepts a student under this section must notify the student and the enrolling

district in writing within ten days if the enrolling district is not the online learning provider. The student and the student's parent must notify the online learning provider of the student's intent to enroll in online learning within ten days of being accepted, at which time the student and the student's parent must sign a statement indicating that they have reviewed the online course or program and understand the expectations of enrolling in online course or program and understand the expectations of enrolling in online learning. The online learning provider must use a form provided by MDE to notify the enrolling district of the student's application to enroll in online learning.

3. The supplemental online learning notice to the enrolling district when a student applies to the online learning provider will include the courses or program, credits to be awarded, and the start date of the online learning course or program. An online learning provider must make available the supplemental online learning course syllabus to the enrolling district. Within 15 days after the online learning provider makes information in this paragraph available to the enrolling district, the enrolling district must notify the online learning provider whether the student, the student's parent, and the enrolling district agree or disagree that the course meets the enrolling district's graduation requirements. A student may enroll in a supplemental online learning course up to a midpoint of the school district's term. The school district may waive this requirement for special circumstances with the agreement of the online learning provider.
4. An online learning course or program that meets or exceeds a graduation standard or the grade progression requirement of the enrolling district as described in the provider's online learning course syllabus meets the corresponding graduation requirements applicable to the student in the enrolling district. If the enrolling district does not agree that the course or program meets its graduation requirements, then the enrolling district must make available an explanation of its decision to the student, the student's parent, and the online learning provider; and the online learning provider may make available a response to the enrolling district, showing how the course or program meets the graduation requirements of the enrolling district.
5. An online learning student may enroll in supplemental online learning course equal to a maximum of 50 percent of the student's full schedule of courses per term during a single school year and the student may exceed the supplemental online learning registration limit if the enrolling district permits for supplemental online learning enrollment above the limit or if the enrolling district and the online learning provider agree to the instructional services. To enroll in more than 50 percent of the student's full schedule or course per term in online learning, the student must qualify to exceed the supplemental online learning registration limit or apply to enroll in an approved full-time online learning program consistent with Paragraph 3)B.2. above. Full-time online learning students may enroll in classes at a local school under a contract for instructional services between the online learning provider and the school district.
6. An online learning student may complete course work at a grade level that is different from the student's current grade level.
7. An online learning student may enroll in additional courses-with the online learning provider under a separate agreement that includes terms for paying of any tuition or course fees.

#### C. Classroom Membership and Teacher Contact Time

1. The enrolling district may reduce an online learning student's regular classroom instructional membership in proportion to the student's membership in online learning courses.
2. The school district may reduce the course schedule of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider other than the school district.
3. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher holding a Minnesota license.
4. The online learning provider, other than a digital learning provider offering digital learning to its enrolled students only under Minn. Stat. § 124D.095, Subd. 4(d), must give the Commissioner written assurance that all courses meet state academic standards and the online learning curriculum, instruction, and assessment expectations for actual teacher contact time or other student-teacher communications and academic support meet nationally recognized standards and are described as such in an online learning course syllabus that meets the Commissioner's requirements.

#### D. Academic Credit; Graduation Standards or Requirements

1. The school district shall apply the same graduation requirements to all students, including online learning students.
2. The school district shall use the same criteria for accepting online learning credits and courses as it does for accepting credits and courses for nonresident transfer students under Minnesota law.
3. The school district may challenge the validity of a course offered by an online learning provider. Such a challenge will be filed with the Minnesota Department of Education.
4. The school district shall count secondary credits granted to an online learning student toward its graduation and credit requirements.
5. If a student completes an online learning course or program that meets or exceeds a graduation standard or grade progression requirement at the school district, that standard or requirement will be met.
6. **Weighted grades will also be applicable if the school district has adopted a policy to offer weighted grades.**

**Rationale:** *The purpose of this policy is to recognize and govern online learning options of students enrolled in the school district for purposes of compulsory attendance and address enrollment of students with an online learning provider for supplemental or full-time online learning.*

Adoption and Revision History	Incorporated Policies
626 DISTANCE EDUCATION AND ONLINE LEARNING PROGRAMS This Policy Adopted: February 22, 2005; Rescinded: March 27, 2012	MSBA 624
E-092 ONLINE LEARNING OPTIONS This Policy Adopted: March 27, 2012; Revised: September 25, 2012; Revised: July 23, 2013	
624 ONLINE LEARNING OPTIONS This Policy Revised: May 21, 2019; Revised:	

Administrative Rule, Regulation and Procedure: NA

Legal References:           Minn. Stat. § 120A.22 (Compulsory Instruction)  
                                   Minn. Stat. § 120A.24 (Reporting)  
                                   Minn. Stat. § 123B.42, Subd. 1 (Curriculum; Electronic Components)  
                                   Minn. Stat. § 124D.03 (Enrollment Options Program)  
                                   Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Act)  
                                   Minn. Stat. § 124D.095 (Online Learning Option Act)

Cross References:           MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)  
                                   MSBA/MASA Model Policy 605 (Alternative Programs)  
                                   MSBA/MASA Model Policy 608 (Instructional Services – Special Education)  
                                   MSBA/MASA Model Policy 613 (Graduation Requirements)  
                                   MSBA/MASA Model Policy 620 (Credit for Learning)

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Fund Balance</b>	<b>714</b>	<b>Approved: 6/23/09</b> <b>Revised: 5/17/11</b> <b>Revised: 5/27/14</b> <b>Revised: 5/21/19</b> <b>Revised:</b> <b>Reviewed Annually</b>

1) General Statement of Policy

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

2) Definitions

- a) "Assigned" fund balance amounts are comprised of unrestricted funds constrained by the school district's intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school district's intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.
- b) "Committed" fund balance amounts are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the school board and that remain binding unless removed by the school board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.
- c) "Enabling legislation" means legislation that authorizes a school district to assess, levy, charge, or otherwise mandate payment of resources from external providers and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.
- d) "Fund balance" means the arithmetic difference between the assets and liabilities reported in a school district fund.
- e) "Nonspendable" fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently unspendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.
- f) "Restricted" fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or

regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.

- g) "Unassigned" fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.
- h) "Unrestricted" fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

### 3) Classification of Fund Balances

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

### 4) Minimum Fund Balance

- a) The school district will strive to maintain a minimum unassigned general fund balance of ~~5-7%~~ **8 - 10%** of the annual budget.

### 5) Order of Resource Use

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

### 6) Committing Fund Balance

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

### 7) Assigning Fund Balance

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

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

8) Review

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

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

Adoption and Revision History	Incorporated Policies
214 FUND BALANCE (This policy adopted: October 11, 2005; rescinded June 23, 2009)	MSBA 714
E-031 OPERATING FUND BALANCE (This policy adopted: June 23, 2009) Revised: May 17, 2011; Revised: May 27, 2014	
714 FUND BALANCE (This policy revised: May 21, 2019); Revised:	

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

**Cross References:** MSBA Service Manual, Chapter 7, Education Funding

VI. A. 1. ACKNOWLEDGEMENT OF CONTRIBUTIONS

Minnesota Statute 123B.02 permits school boards to “...receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, and for the benefit of pupils thereof.”

Therefore, the Director of Business Services recommends the following resolution:

BE IT RESOLVED by the School Board of Independent School District No. 622 that the School Board accept with appreciation the following contributions and permit their use as designated by the donors.

<u>Donor</u>	<u>Item and/or Amount</u>	<u>Purpose</u>
Roni Dornfield	\$77.62	Meals on Wheels
Michael Testa	\$50.00	Meals on Wheels
Kinney Family Foundation	\$10,000.00	Community Bridge
Cummins	9 Buddy Benches	Carver, Castle, Cowern (2), Oakdale, Richardson, Skyview, Weaver and Webster
Eagle Point Parent Group	\$38,828.15	Eagle Point field trips, activities and classroom needs
Park Dental	\$500.00	North Football Program
Kathy Richardson	School Supplies	Weaver Elementary students
Diane Droeger	School Supplies	Weaver Elementary students

MOTION:

SECOND:

Total fiscal year 2019-2020 monetary contributions: \$50,163.77

VI. A. 2. RESOLUTION PROVIDING FOR THE SALE OF GENERAL OBLIGATION SCHOOL BUILDING AND FACILITIES MAINTENANCE BONDS, SERIES 2019A; AND COVENANTING AND OBLIGATING THE DISTRICT TO BE BOUND BY AND TO USE THE PROVISIONS OF MINNESOTA STATUTES, SECTION 126C.55 TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THESE BONDS

BE IT RESOLVED by the School Board of Independent School District No. 622 (North St. Paul-Maplewood-Oakdale), Minnesota, as follows:

1. Bond Authorization. The School Board has determined that it is necessary and expedient to issue General Obligation School Building and Facilities Maintenance Bonds, Series 2019A, in an amount not to exceed \$200,000,000.

2. Sale. The District has retained Ehlers & Associates, Inc. (Ehlers) in Roseville, Minnesota, as its independent municipal advisor for the Bonds. Ehlers is authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9). If the issuance of the Bonds is approved, the School Board shall meet at the time and place specified in the Official Statement to receive and consider proposals for the purchase of the Bonds.

3. Official Statement; Negotiation of Sale. Ehlers is authorized to prepare and distribute an Official Statement and to open, read and tabulate the proposals for presentation to the Board.

4. Minnesota School District Credit Enhancement Program. (a) The District hereby covenants and obligates itself to notify the Commissioner of Education of a potential default in the payment of principal and interest on the Bonds and to use the provisions of Minnesota Statutes, Section 126C.55 to guarantee payment of the principal and interest on the Bonds when due. The District further covenants to deposit with the Registrar or any successor paying agent three (3) days prior to the date on which a payment is due an amount sufficient to make that payment or to notify the Commissioner of Education that it will be unable to make all or a portion of that payment. The Registrar for the Bonds is authorized and directed to notify the Commissioner of Education if it becomes aware of a potential default in the payment of principal or interest on the Bonds or if, on the day two (2) business days prior to the date a payment is due on the Bonds, there are insufficient funds to make that payment on deposit with the Registrar. The District understands that as a result of its covenant to be bound by the provision of Minnesota Statutes, Section 126C.55, the provisions of that section shall be binding as long as any Bonds of this issue remain outstanding.

(b) The District further covenants to comply with all procedures now and hereafter established by the Departments of Management and Budget and Education of the State of Minnesota pursuant to Minnesota Statutes, Section 126C.55, subdivision 2(c) and otherwise to take such actions as necessary to comply with that section. The chair, clerk, superintendent or business manager is authorized to execute any applicable Minnesota Department of Education forms.

MOTION:

SECOND:

Intent Resolution  
FM Bond Only

VI. A. 3. RESOLUTION STATING THE INTENTION OF THE SCHOOL BOARD TO ISSUE GENERAL OBLIGATION BONDS TO FINANCE PROJECTS INCLUDED IN THE DISTRICT'S APPROVED TEN-YEAR FACILITY PLAN; COVENANTING AND OBLIGATING THE DISTRICT TO BE BOUND BY AND TO USE THE PROVISIONS OF MINNESOTA STATUTES, SECTION 126C.55 TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THE BONDS

BE IT RESOLVED by the School Board of Independent School District No. 622, State of Minnesota, as follows:

1. The Board hereby finds and declares that it is necessary and expedient for Independent School District No. 622 (the "District") to issue its fully registered general obligation facilities maintenance bonds (the "Bonds") pursuant to Minnesota Statutes, Section 123B.595, subdivision 5 and Chapter 475, as amended, to fund the costs of the following projects and related financing costs:

- deferred maintenance projects at various school sites and facilities as included in the District's ten-year facility plan approved by the Commissioner of Education

The Bonds would be issued in the total aggregate principal amount of not to exceed \$65,000,000. The issuance of the Bonds is hereby authorized.

2. The ten-year facility plan approved by the Board is incorporated in this resolution as though fully specified herein. The administration is authorized and directed to submit to the Commissioner such additional information as may be necessary to secure the approval of the Commissioner for the ten-year facility plan and this bond issuance, as required by Minnesota Statutes, Section 123B.595. The submission of a proposed plan and a request for approval prior to the date of this resolution is ratified and approved in all respects.

3. The District further covenants to comply with all procedures now or hereafter established by the Minnesota Department of Education pursuant to Minnesota Statutes, Section 123B.595 and otherwise to take such actions as necessary to comply with that statute. The chair, clerk, superintendent or director of business services is authorized to execute any applicable Minnesota Department of Education forms.

4. The clerk is hereby authorized and directed to cause a notice substantially in the form of the Notice attached hereto as EXHIBIT A and incorporated herein by reference to be published as a legal notice one (1) time in the official newspaper of the District as soon as reasonably practicable after the date of adoption of this resolution, but at least twenty (20) days before the earliest of the issuance of bonds or the final certification of levies. Any publication of said notice prior to the date of adoption of this resolution is hereby ratified and approved in all respects.

5. The Board, having been advised by Ehlers & Associates, Inc., its independent municipal advisor, hereby determines that the Bonds shall be privately sold after receipt of written proposals, as authorized pursuant to Minnesota Statutes, Section 475.60, Subdivision 2, as amended.

Intent Resolution  
FM Bond Only

6. If the issuance of the Bonds is approved, the Board shall meet at the time and place specified in the Official Statement to receive and consider proposals for the purchase of the Bonds. The terms and provisions specified in the Official Statement are hereby adopted as the terms and conditions of the Bonds and of the sale thereof, and shall be made available to all prospective purchasers of the Bonds. Ehlers & Associates, Inc., is authorized to prepare an Official Statement and to open, read and tabulate the proposals for presentation to the Board.

7. (a) The District hereby covenants and obligates itself to notify the Commissioner of Education of a potential default in the payment of principal and interest on the Bonds and to use the provisions of Minnesota Statutes, Section 126C.55 to guarantee payment of the principal and interest on the Bonds when due. The District further covenants to deposit with the Bond Registrar or any successor paying agent three (3) days prior to the date on which a payment is due an amount sufficient to make that payment or to notify the Commissioner of Education that it will be unable to make all or a portion of that payment. The Bond Registrar for the Bonds is authorized and directed to notify the Commissioner of Education if it becomes aware of a potential default in the payment of principal or interest on the Bonds or if, on the day two (2) business days prior to the date a payment is due on the Bonds, there are insufficient funds to make that payment on deposit with the Bond Registrar. The District understands that as a result of its covenant to be bound by the provisions of Minnesota Statutes, Section 126C.55, the provisions of that section shall be binding as long as any Bonds of this issue remain outstanding.

(b) The District further covenants to comply with all procedures now or hereafter established by the Departments of Management and Budget and Education of the State of Minnesota pursuant to Minnesota Statutes, Section 126C.55, subdivision 2(c) and otherwise to take such actions as necessary to comply with that section. The chair, clerk, superintendent or director of business services is authorized to execute any applicable Minnesota Department of Education forms.

MOTION:

SECOND:

**EXHIBIT A**

**NOTICE OF INTENT TO ISSUE FACILITIES MAINTENANCE BONDS  
TO FINANCE CERTAIN PROJECTS INCLUDED IN THE DISTRICT'S  
TEN-YEAR FACILITY PLAN**

**INDEPENDENT SCHOOL DISTRICT NO. 622  
(NORTH ST. PAUL-MAPLEWOOD-OAKDALE)  
STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the School Board of Independent School District No. 622, State of Minnesota (the "District"), adopted a resolution (the "Resolution") on August 20, 2019, stating the intention of the School Board to issue general obligation facilities maintenance bonds (the "Bonds") in the total principal amount of not to exceed \$65,000,000 pursuant to Minnesota Statutes, Section 123B.595 and Chapter 475, as amended. The proceeds of the Bonds will be used to fund the costs of the following projects at various District facilities and related financing costs:

- deferred maintenance projects at various school sites and facilities as included in the District's ten-year facility plan approved by the Commissioner of Education

The total amount of District indebtedness as of August 1, 2019, is \$121,050,000. If these proposed Facilities Maintenance Bonds and the District's proposed School Building Bonds approved by the voters of the District on May 14, 2019 are issued after August 1, 2019, the total indebtedness of the District at that time would be \$386,050,000.

Dated: August 20, 2019

BY ORDER OF THE SCHOOL BOARD

/s/

\_\_\_\_\_  
School District Clerk

Independent School District No. 622  
(North St. Paul-Maplewood-Oakdale)  
State of Minnesota

VI. A. 4. RESOLUTION PROVIDING FOR THE SALE OF GENERAL OBLIGATION ALTERNATIVE FACILITIES REFUNDING BONDS, SERIES 2019C; AND COVENANTING AND OBLIGATING THE DISTRICT TO BE BOUND BY AND TO USE THE PROVISIONS OF MINNESOTA STATUTES, SECTION 126C.55 TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THESE BONDS

BE IT RESOLVED by the School Board of Independent School District No. 622 (North St. Paul-Maplewood-Oakdale), Minnesota, as follows:

1. Bond Authorization. The School Board has determined that it is necessary and expedient to issue \$8,200,000 General Obligation Alternative Facilities Refunding Bonds, Series 2019C.

2. Sale. The District has retained Ehlers & Associates, Inc. (Ehlers) in Roseville, Minnesota, as its independent municipal advisor for the Bonds. Ehlers is authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9). If the issuance of the Bonds is approved, the School Board shall meet at the time and place specified in the Official Statement to receive and consider proposals for the purchase of the Bonds.

3. Official Statement; Negotiation of Sale. Ehlers is authorized to prepare and distribute an Official Statement and to open, read and tabulate the proposals for presentation to the Board.

4. Minnesota School District Credit Enhancement Program. (a) The District hereby covenants and obligates itself to notify the Commissioner of Education of a potential default in the payment of principal and interest on the Bonds and to use the provisions of Minnesota Statutes, Section 126C.55 to guarantee payment of the principal and interest on the Bonds when due. The District further covenants to deposit with the Registrar or any successor paying agent three (3) days prior to the date on which a payment is due an amount sufficient to make that payment or to notify the Commissioner of Education that it will be unable to make all or a portion of that payment. The Registrar for the Bonds is authorized and directed to notify the Commissioner of Education if it becomes aware of a potential default in the payment of principal or interest on the Bonds or if, on the day two (2) business days prior to the date a payment is due on the Bonds, there are insufficient funds to make that payment on deposit with the Registrar. The District understands that as a result of its covenant to be bound by the provision of Minnesota Statutes, Section 126C.55, the provisions of that section shall be binding as long as any Bonds of this issue remain outstanding.

(b) The District further covenants to comply with all procedures now and hereafter established by the Departments of Management and Budget and Education of the State of Minnesota pursuant to Minnesota Statutes, Section 126C.55, subdivision 2(c) and otherwise to take such actions as necessary to comply with that section. The chair, clerk, superintendent or business manager is authorized to execute any applicable Minnesota Department of Education forms.

MOTION:

SECOND:



## VI. C. 1. AGREEMENT FOR ELIBILITY AUDIT

This fall, ISD 622 will conduct a Dependent Eligibility Audit. The Dependent Eligibility Audit is performed by a vendor who will verify that all dependents identified by an employee to participate in the medical and dental plans are actually eligible to receive these benefits. Vendors estimate that on average, 5-8% of the dependents on any given employee benefits plan may not actually be eligible for the benefit program. Removing ineligible dependents can help reduce health care expenditures.

In order to verify eligibility, each employee that covers a dependent will need to provide verification (i.e. birth certificate, marriage certificate, tax forms) to the vendor. Employees submit verification directly to the vendor and the vendor communicates with employees throughout the process on their status and verifies when employees have submitted the appropriate documentation. At the end of the process, dependents who are not eligible are removed from the medical and/or dental plans. The verification is a four-phase process that will begin in October, 2019 and is expected to be completed in January, 2020.

The District is reviewed proposals from three vendors and is proposing Consova as the preferred lowest cost vendor. The total estimated fee for the audit is \$16,120.00.

Therefore, the Director of Human Resources recommends the following resolution:

**BE IT RESOLVED** by the School Board of Independent School District No. 622 that the District approve the agreement with Consova Corporation to perform a dependent eligibility audit for ISD 622.

MOTION:

SECOND: