

# BOARD AGENDA

## INDEPENDENT SCHOOL DISTRICT 191

Burnsville High School Senior Campus  
Diamondhead Education Center  
Regular Meeting  
October 8, 2015  
6:30 PM

(6:00 PM Listening Session with Chair VandenBoom and Director Luth)

- I. Call to Order
  - A. Welcome Public
  - B. Pledge of Allegiance
- II. Business Meeting
  - A. Approval of Agenda
  - B. Consent Agenda

Although board action is required, it is generally unnecessary to hold discussion on these items. In the event a board member wishes to discuss an item, that item will be moved for separate consideration.

    - 1. Approve Minutes 3
    - 2. Approve Personnel Recommendations 6
    - 3. Approve Change Orders #010, #011, #012 and #013 for the 2015 Additions and Alterations to Burnsville High School Bid Package #1 8
    - 4. Approve Change Order #002 for the 2015 Additions and Alterations to the Burnsville High School Bid Package #2 15
- III. New Business
  - A. Receive a Report on Vision One91 Construction 18  
Presenter: Dr. Gothard, Superintendent  
Time: 10 Minutes
  - B. Approve, on a First Reading Basis, Policies 515: *Protection and Privacy of Pupil Records* (rescind JO), 517: *Student Recruiting* (rescind IGDK), 519: *Interview of Students by Outside Agencies* (rescind JIH), 520: *Student Surveys*, 523: *Policies Incorporated by Reference*, 525: *Violence Prevention*, 527: *Student Use and Parking of Motor Vehicles; Patrols, Inspections and Searches* (rescind JHFD), and 529: *Staff Notification of Violent Behavior by Students* (rescind GBEAD) 43  
Presenter: Dr. Joe Gothard, Superintendent  
Time: 10 Minutes
  - C. Approve on a Second Reading Basis, Policy 613: *Graduation Requirements* (rescind IKF) 126  
Presenter: Dr. Joe Gothard, Superintendent  
Time: 5 Minutes
- IV. Reports
  - A. Student Representative
  - B. Superintendent

C. Board Member

V. Adjourn to a Board Workshop on MMR Followed by a Closed Session, as Permitted by Minnesota Statute §13D.03, to Discuss ISD 191's Labor Negotiation Strategy related to BEA

A. Work Session On MMR Data

Presenter: Connie Erickson and Beth Van Osdel

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School Board Minutes  
INDEPENDENT SCHOOL DISTRICT 191  
September 24, 2015

The meeting of the Board of Education was called to order by Chair VandenBoom at 6:30 p.m. at the Burnsville High School Senior Campus in the Diamondhead Education Center.

Call to Order

Directors Currier, Alt, Luth, Hill, Sweep, Schmid and Chair VandenBoom were present. Student Representative Abegaz was absent. Others in attendance were Superintendent Gothard, administrators, staff and members of the public.

Attendance

VandenBoom welcomed the audience and asked Luth to lead the Pledge of Allegiance.

Pledge of Allegiance

Public recognition was given to Nicollet Junior High, Sioux Trail Elementary and Edward Neill Elementary which achieved State PBIS Recognition.

Public Recognition

Moved by Sweep, seconded by Schmid, to approve the agenda. Motion carried unanimously (7, 0).

Agenda

Moved by Schmid, seconded by Alt, to approve the consent agenda with the removal of Policy 409 from agenda item II.B.6:

Consent Agenda Minutes

- Minutes of the September 10, 2015.
- Approve personnel recommendations for A. Werner-Dempsey, B. Westerhouse K. Contreras, A. Fischer, L. Gayle, J. Gulden, W. Hadac, J. Reesen, J. Ruiz, W. Ruiz, C. Ruthig, R. Theis, L. Neisen, B. Andrews, H. Eichten, L. Gabbert, K. Ward, A. Buckner, M. Akkerman, T. Bergum, D. Johnson and C. Leno.
- Adopt a resolution to approve and accept donations.
- Approve August payroll checks numbered 718225-718234, and direct deposit notices numbered 583039-584924, in the net amount of \$3,825,342.33. June, Aug, & Sep claims to date represented by checks numbered 441556-441986, 1013656-1013868, and 101113-101140 and wire transfers and adjustments totaling \$10,021,591.34. Accept Aug receipts of \$16,348,915.32 and investments for the General Fund, 2012A Alt Facilities, 2015A School Building Bonds and OPEB of \$107,872,832.71 as of August 31, 2015.
- Approve the following school bus stops at which school bus drivers shall not activate the eight way flashing red signals and

Personnel

Donation  
August payroll,  
deposits and  
receipts

Bus stops

<p>authorize the Director of Transportation to modify the list as necessary as school bus routes are modified.</p> <ul style="list-style-type: none"> <li>- Approve change orders #007, #008 and #009 for the 2015 Additions and Alterations to Burnsville High School Bid Package #1.</li> <li>- Approve on a second reading basis, 425: Professional Development (rescind GCL &amp; GCL-R), 501: School Weapons Policy, 503: Student Attendance (rescind JE &amp; JE-R), 504: Student Dress and Appearance, 506: Student Discipline (rescind JFC &amp; JFC-R), 512: School-Sponsored Student Publications and Activities, and 513: Student Promotion, Retention, Acceleration and Program Design (rescind IKE, IKE-R and JECA).</li> </ul> <p>Motion carried unanimously (7, 0).</p>	<p>Approve change orders #007, #008 and #009</p> <p>Policies</p>
<p>Received a report from Glenn Simon, director of operations, properties and transportation regarding summer construction projects.</p>	<p>Report on summer construction</p>
<p>Moved by Currier, seconded by Luth, to approve the proposed revisions and re-adopt the unchanged language in the 2015-2017 master agreement with Service Employees and International Union Local #284 Custodial Employees. Motion carried unanimously after discussion (7, 0).</p>	<p>Service Employees Master Agreement</p>
<p>Moved by Hill, seconded by Alt, to certify the proposed property tax levy for taxes payable in 2016 and authorize the clerk to execute the levy certification forms in the "maximum amount" and to also schedule the Truth in Taxation Hearing on December 03, 2015, to be held during the regularly scheduled board meeting beginning at 6:30 p.m. Motion carried unanimously after discussion (7, 0).</p>	<p>Property Tax Levy</p>
<p>Moved by Sweep seconded by Currier, to approve an income contract with State of Minnesota acting through its Board of Trustees of the Minnesota State Colleges and Universities on behalf of Normandale Community College for PSEO. Motion carried unanimously after discussion (7, 0).</p>	<p>Normandale Community College and PSEO contract</p>
<p>Moved by Luth, seconded by Currier defer action by referring Policy 613: <i>Graduation Requirements</i> back to the Policy Review Committee. Point of order by Luth and point of order by Schmid regarding the discussion of the pending motion and Roberts Rules' were sustained by Chair VandenBoom. Amended motion carried unanimously after discussion (7, 0).</p>	<p>Second reading of Policy 613</p>

Received oral reports from Director Luth, Dr. Currier and Superintendent Gothard on behalf of the Ad Hoc Technology Committee; Schmid on behalf of the Negotiating Committee; Dr. Currier on behalf of the Policy Review Committee; and Hill on behalf of the Student Performance and Achievement Committee and the Legislative Committee.

Committee Reports

Received an update from Superintendent Gothard about the Higher Learning Commission.

Dr. Currier invited the public to the Hall of Fame Ceremony on October 2.

Moved by Schmid, seconded by Luth, to adjourn at 7:51 p.m. Motion carried unanimously (7, 0).

Adjourn

October 8, 2015

DeeDee Currier, clerk

Date Approved

DRAFT

**Burnsville-Eagan-Savage Public Schools  
Independent School District 191  
Human Resources**

TO: Members, Board of Education  
Joe Gothard, Superintendent

FROM: Stacey Sovine, Executive Director of Human Resources

DATE: October 8, 2015

RE: Recommended Personnel Changes

**Certified**

**Appointment**

Rebecca Akerson -Replacement- Guidance Counselor, 1.0 FTE, BHS, effective 9/28/15  
Allison Buchman \*New-Teacher, Title I, .20 FTE, St. John the Baptist, effective 9/22/15  
Katie Cates \*New-Teacher, 1.0 FTE, MWS, effective 10/8/15  
Robert Mayne \*New-Teacher, SPED, .50 FTE, BAHS, effective 10/6/15  
Alexandra McLaughlin -Replacement- Social Worker, .5 FTE, SPED Central Cluster, effective 9/23/15

**Leave of Absence**

Megan Tillman -Teacher, SO, requests 1.0 FTE parental leave of absence, effective 11/13/15 – 11/27/15

**Resignation**

Kayla Gaulke -Counselor –BHS, effective 9/18/15

**Classified**

**Appointment**

Trudy Barsness \*New-EA Level IV, 4 hrs/day, ECSE, effective 10/5/15  
Alicia Brambila -New- Cultural Liaison, 8 hrs/day, HV, effective 9/28/15  
Jenny Campos \*New-AVID Tutor, District-Wide, effective 2015/2016 school year  
Jessica Hildman -Replacement-EA Level II, 2.5 hrs/day, MWS, effective 10/5/15  
Hayley Ohama \*New-AVID Tutor, District-Wide, effective 2015/2016 school year  
Michael Wolfram -Replacement-Lead Custodian, 8hrs/day, GP, effective 9/28/15

**Change in Assignment**

Kuoy Chhen \*Assignment changes to EA Level II, 3.75 hrs/day, HB, effective 10/7/15  
Jennifer Gust \*Assignment changes to Food Service Associate, 5.5 hrs/day, SO, effective 11/2/15  
Heather Heerey -Assignment changes to EA Level II, 5.5 hrs/day, HB, effective 9/22/15  
Sherry Gilbertson -Assignment changes to EA Level II, 7.25 hrs/day, VV, effective 9/29/15  
Patricia McDonald -Assignment changes to Food Service Manager, 7.5 hrs/day, SO, effective 10/1/15  
Tracy Smith -Assignment changes to Food Services Coordinator, 8 hrs/day, ASC, effective 10/1/15

**Resignation**

Lola Battleson -Food Service Associate, ERJH, effective 9/23/15  
Mark Burkhardt \*EA, GP, effective 10/7/15  
Genet Endeshaw -AVID Tutor, NJH, effective 9/29/15  
Angela Fischer -Food Service Associate, ERJH, effective 10/2/15  
Alfred Jaryan \*EA, BAHS, effective 10/9/15  
Hanifa Walli -Food Service Associate, NJH, effective 9/22/15

**Retirement**

Mary Akkerman \*Revised date – EA, HV, effective 10/9/15  
Lora Kennedy \*EA, ECSE, effective 10/16/15

**Termination**

Latisha Foster -EA, ST, effective 9/3/15

\*added to original report  
Burnsville-Eagan-Savage #191  
Board Meeting – 10/08/2015

**Coaches/Co-Curricular Appointment**

Melanie Gorman  
Heather Walberg

\*Elementary Volunteer Coordinator, GP, effective Year Round  
\*FTC Robotics Advisor, District-Wide, effective Year Round

\*added to original report  
Burnsville-Eagan-Savage #191  
Board Meeting – 10/08/2015



**Agenda II.B.3.  
October 8, 2015**

**To: Members, Board of Education  
Superintendent Gothard**

**From: Lisa K. Rider, Executive Director of Business Services**

**Date: October 8, 2015**

**Re: Change Orders #010, #011, #012 and #013 for the 2015 Additions and Alterations to Burnsville High School**

RECOMMENDATION: That the Board of Education approves change orders #010, #011, #012 and #013 for the 2015 Additions and Alterations to Burnsville High School Bid Package #1.

On May 28, 2015 the School Board approved the bids for contracts #0600, #0240, #2600, #3100, and #3300 for the 2015 Additions and Alterations to Burnsville High School Bid Package #1.

Change order #010 for contract #2600 (Peoples Electric Co. Inc.) is in the amount of \$817.00. Removal of the power feed back to its source due to the removal of a cooling tower is the reason for this change. The change to this contract is about 1.77%.

Change order #011 for contract #0240 (Veit and Company, Inc.) is in the amount of \$6,191.00. The removal of the cooling tower and demolition of the concrete foundation is the reason for this change. The change to this contract is about 17.50%.

Change order #012 for contract #2300 (Klamm Mechanical Contractors Inc.) is in the amount of \$1,840.00. Capping off piping back to the source from the cooling tower that was removed is the reason for this change. The change to this contract is about 0.20%

Change order #013 for contract #0600 (Ebert Construction) is in the amount of \$1,373.00. This change is the result of changing exterior windows on the annex from hollow metal to aluminum for longevity. The change to this contract is about 1.30%

Total change to the original bid package #1 contract amount of \$3,149,439.00 is 3.62%. New bid package #1 total contract amount with change orders to date is in the amount of \$3,263,535.00.

The items on these change orders have been reviewed and validated by ATS&R Architects and Engineers and WENCK Construction Inc.

# CHANGE ORDER

CONSTRUCTION MANAGER-ADVISER EDITION

AIA DOCUMENT G701/CMa

AUG 27 2015

SEP 09 2015

(Instructions on reverse side)

OWNER   
 CONSTRUCTION MANAGER   
 ARCHITECT   
 CONTRACTOR   
 FIELD   
 OTHER

PCO # 010

PROJECT: 2015 ADDITIONS & ALTERATIONS TO  
 (Name and address) BURNSVILLE HIGH SCHOOL BP #1  
 600 EAST HIGHWAY 13  
 BURNSVILLE, MINNESOTA 55337

CHANGE ORDER NO.: 2600.003  
 INITIATION DATE: 08/14/15  
 PROJECT NOS.: 301504.01  
 CONTRACT FOR: Contract #2600  
 Electrical  
 CONTRACT DATE: 5/28/2015

TO CONTRACTOR:  
 (Name and address) PEOPLES ELECTRIC CO., INC.  
 277 FILLMORE AVENUE  
 ST. PAUL, MINNESOTA 55107

The Contract is changed as follows:

Provide labor and material as necessary to complete the work for noted on the attached Page #2

# RECEIVED

AUG 31 2015

ARMSTRONG, TORSETH  
SKOLD & RYDEEN, INC.

Not valid until signed by the Owner, Construction Manager, Architect and Contractor.

The original (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) was .....	\$	566,500.00
Net change by previously authorized Change Orders .....	\$	9,208.00
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) prior to this Change Order was .....	\$	575,708.00
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) will be (increased) ( <del>decreased</del> ) ( <del>unchanged</del> ) by this Change Order .....	\$	817.00
The new (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) including this Change Order will be . . .	\$	576,525.00
The Contract Time will be ( <del>increased</del> ) ( <del>decreased</del> ) (unchanged) by .....	zero	( -0- ) days
The date of Substantial Completion as of the date of this Change Order therefore is .....		unchanged.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

WENCK CONSTRUCTION INC.  
 CONSTRUCTION MANAGER  
 7500 Olson Memorial Hwy, Golden Valley, MN 55427  
 ADDRESS  
 BY *[Signature]* DATE 8/27/15

ARMSTRONG, TORSETH, SKOLD, & RYDEEN ARCHITECTS  
 ARCHITECT  
 8501 Golden Valley Road, Ste. 300, Mpls., MN 55427  
 ADDRESS  
 BY *[Signature]* DATE 9/3/15

PEOPLES ELECTRIC CO., INC.  
 CONTRACTOR  
 277 East Fillmore Avenue, St. Paul, MN 55107  
 ADDRESS  
 BY *[Signature]* DATE 8/21/15

BURNSVILLE-EAGAN-SAVAGE PUBLIC SCHOOLS  
 OWNER  
 100 River Ridge Court, Burnsville, MN 55337  
 ADDRESS  
 BY \_\_\_\_\_ DATE \_\_\_\_\_



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# Change Order

Burnsville High School

Project # 30150401

Tel: 952-707-2000 Fax: 952-707-2102

Date: 8/14/2015

**Contractor:**

Peoples Electric Company, Inc.  
 277 East Fillmore Avenue  
 St. Paul, MN 55107

Architect's Project No:

Contract Date:

Contract Number: 2600

Change Order Number: 003

The Contract is hereby revised by the following items:

PCO	Item #	Description	Amount
RCO-016	001	Terminate power feeds and remove back to source.	817

The original Contract (s) Value was.....	566,500
Sum of changes by prior Change Orders.....	9,208
The Contract Value prior to this Change Order was.....	575,708
The Contract Value will be changed by this Change Order in the amount of.....	817
The new Contract Value including this Change Order will be.....	576,525
The Contract duration will be changed by.....	0 days
The revised Substantial Completion date as of this Change Order is.....	

# CHANGE ORDER

## CONSTRUCTION MANAGER-ADVISER EDITION

AIA DOCUMENT G701/CMa

**AUG 27 2015**

(Instructions on reverse side)

**SEP 09 2015**

OWNER	<input checked="" type="checkbox"/>	PCO #	011
CONSTRUCTION MANAGER	<input checked="" type="checkbox"/>		
ARCHITECT	<input checked="" type="checkbox"/>		
CONTRACTOR	<input checked="" type="checkbox"/>		
FIELD	<input type="checkbox"/>		
OTHER	<input type="checkbox"/>		

PROJECT: 2015 ADDITIONS & ALTERATIONS TO  
 (Name and address) BURNSVILLE HIGH SCHOOL BP #1  
 600 EAST HIGHWAY 13  
 BURNSVILLE, MINNESOTA 55337

CHANGE ORDER NO.: 0240.002

INITIATION DATE: 08/14/15

TO CONTRACTOR: VEIT AND COMPANY, INC.  
 (Name and address) 14000 VEIT PLACE  
 ROGERS, MINNESOTA 55374

PROJECT NOS.: 301504.01

CONTRACT FOR: Contract #0240  
Building Demolition

CONTRACT DATE: 5/28/2015

The Contract is changed as follows:

Provide labor and material as necessary to complete the work for noted on the attached Page #2

# RECEIVED

**AUG 31 2015**

**ARMSTRONG, TORSETH  
SKOLD & RYDEEN, INC.**

Not valid until signed by the Owner, Construction Manager, Architect and Contractor.

The original (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) was .....	\$	71,039.00
Net change by previously authorized Change Orders .....	\$	6,243.00
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) prior to this Change Order was .....	\$	77,282.00
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) will be (increased) ( <del>decreased</del> ) ( <u>unchanged</u> ) by this Change Order .....	\$	6,191.00
The new (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) including this Change Order will be ...	\$	83,473.00
The Contract Time will be ( <del>increased</del> ) ( <del>decreased</del> ) ( <u>unchanged</u> ) by .....	zero	<i>2</i> ( <del>10</del> ) days
The date of Substantial Completion as of the date of this Change Order therefore is .....		unchanged.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

WENCK CONSTRUCTION INC.  
 CONSTRUCTION MANAGER  
 7500 Olson Memorial Hwy, Golden Valley, MN 55427  
 ADDRESS  
 BY *[Signature]* DATE 8/27/15

ARMSTRONG, TORSETH, SKOLD, & RYDEEN ARCHITECTS  
 ARCHITECT  
 8501 Golden Valley Road, Ste. 300, Mpls., MN 55427  
 ADDRESS  
 BY *[Signature]* DATE 9/3/15

VEIT AND COMPANY, INC.  
 CONTRACTOR  
 14000 Veit Place, Rogers, MN 55374  
 ADDRESS  
 BY *[Signature]* DATE 8-24-15

BURNSVILLE-EAGAN-SAVAGE PUBLIC SCHOOLS  
 OWNER  
 100 River Ridge Court, Burnsville, MN 55337  
 ADDRESS  
 BY \_\_\_\_\_ DATE \_\_\_\_\_



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# Change Order

**Burnsville High School**

**Project # 30150401**

Tel: 952-707-2000 Fax: 952-707-2102

**Date: 8/14/2015**

**Contractor:**

Veit and Company, Inc.  
14000 Veit Place  
Rogers, MN 55374

**Architect's Project No:**

**Contract Date:**

**Contract Number: 0240**

**Change Order Number: 002**

The Contract is hereby revised by the following items:

PCO	Item #	Description	Amount
RCO-016	003	Actual cooling tower demo/concrete foundation removal	6,191

The original Contract (s) Value was.....	71,039
Sum of changes by prior Change Orders.....	6,243
The Contract Value prior to this Change Order was.....	77,282
The Contract Value will be changed by this Change Order in the amount of.....	6,191
The new Contract Value including this Change Order will be.....	83,473
The Contract duration will be changed by.....	0 days
The revised Substantial Completion date as of this Change Order is.....	

# CHANGE ORDER

CONSTRUCTION MANAGER-ADVISER EDITION

AIA DOCUMENT G701/CMa

AUG 28 2015  
SEP 09 2015

OWNER  PCO # 013  
 CONSTRUCTION MANAGER   
 ARCHITECT   
 CONTRACTOR   
 FIELD   
 OTHER

(Instructions on reverse side)

PROJECT: 2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL BP #1  
 (Name and address) 600 EAST HIGHWAY 13 BURNSVILLE, MINNESOTA 55337  
 CHANGE ORDER NO.: 0600.003  
 INITIATION DATE: 08/20/15

TO CONTRACTOR: EBERT, INC. D/B/A EBERT CONSTRUCTION  
 (Name and address) 23350 COUNTY ROAD 10 CORCORAN, MINNESOTA 55357  
 PROJECT NOS.: 301504.01  
 CONTRACT FOR: Contract #0600  
 General Construction Shop Annex  
 CONTRACT DATE: 5/28/2015

The Contract is changed as follows:

Provide labor and material as necessary to complete the work for noted on the attached Page #2

**RECEIVED**

SEP - 2 2015

ARMSTRONG, TORSETH  
SKOLD & RYDEEN, INC.

Not valid until signed by the Owner, Construction Manager, Architect and Contractor.

The original (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) was .....	\$	671,900.00
Net change by previously authorized Change Orders .....	\$	7,340.00
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) prior to this Change Order was .....	\$	679,240.00
The (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) will be (increased) (decreased) (unchanged) by this Change Order .....	\$	1,373.00
The new (Contract Sum) ( <del>Guaranteed Maximum Price</del> ) including this Change Order will be .....	\$	680,613.00
The Contract Time will be (increased) (decreased) (unchanged) by .....	zero	( -0- ) days
The date of Substantial Completion as of the date of this Change Order therefore is .....		unchanged.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

WENCK CONSTRUCTION INC.  
 CONSTRUCTION MANAGER  
 7500 Olson Memorial Hwy, Golden Valley, MN 55427  
 ADDRESS  
 BY *[Signature]* DATE 8/28/15

EBERT, INC. D/B/A EBERT CONSTRUCTION  
 CONTRACTOR  
 23350 County Road 10, Corcoran, MN 55357  
 ADDRESS  
 BY *[Signature]* DATE 9/26/15

ARMSTRONG, TORSETH, SKOLD, & RYDEEN ARCHITECTS  
 ARCHITECT  
 8501 Golden Valley Road, Ste. 300, Mpls., MN 55427  
 ADDRESS  
 BY *[Signature]* DATE 9/3/15

BURNSVILLE-EAGAN-SAVAGE PUBLIC SCHOOLS  
 OWNER  
 100 River Ridge Court, Burnsville, MN 55337  
 ADDRESS  
 BY \_\_\_\_\_ DATE \_\_\_\_\_



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# Change Order

**Burnsville High School**

**Project # 30150401**

Tel: 952-707-2000 Fax: 952-707-2102

**Date: 8/20/2015**

**Contractor:**

Ebert Inc.  
23350 County Road 10  
Corcoran, MN 55357

**Architect's Project No:**

**Contract Date:**

**Contract Number: 0600**

**Change Order Number: 003**

The Contract is hereby revised by the following items:

PCO	Item #	Description	Amount
RCO-015	001	Changing two exterior windows to Aluminum from hollow metal to increase longevity.	1,373

The original Contract (s) Value was.....	671,900
Sum of changes by prior Change Orders.....	7,340
The Contract Value prior to this Change Order was.....	679,240
The Contract Value will be changed by this Change Order in the amount of.....	1,373
The new Contract Value including this Change Order will be.....	680,613
The Contract duration will be changed by.....	0 days
The revised Substantial Completion date as of this Change Order is.....	



**Agenda II.B.4.  
October 8, 2015**

**To: Members, Board of Education  
Superintendent Gothard**

**From: Lisa K. Rider, Executive Director of Business Services**

**Date: October 8, 2015**

**Re: Change Order #002 for the 2015 Additions and Alterations to Burnsville High School**

RECOMMENDATION: That the Board of Education approves change order #002 for the 2015 Additions and Alterations to Burnsville High School Bid Package #2.

On June 25, 2015 the School Board approved the bid for contract #0345 for the 2015 Additions and Alterations to Burnsville High School Bid Package #2.

Change order #002 for contract #0345 (Wells Concrete Products Company) is a deduct in the amount of (\$120,000.00). The credit to this contract is the result of a better understanding of the scope of work once the shop drawings were created. The change to this contract is about -4.59%.

Total change to the original bid package #2 contract amount of \$2,615,000.00 is -4.59%. New bid package #2 total contract amount with change orders to date is in the amount of \$2,495,000.00.

The items on these change orders have been reviewed and validated by ATS&R Architects and Engineers and WENCK Construction Inc.

# CHANGE ORDER

CONSTRUCTION MANAGER-ADVISER EDITION

AIA DOCUMENT G701/CMa

SEP 02 2015

OWNER	<input checked="" type="checkbox"/>	PCO #	002
CONSTRUCTION MANAGER	<input checked="" type="checkbox"/>		
ARCHITECT	<input checked="" type="checkbox"/>		
CONTRACTOR	<input checked="" type="checkbox"/>		
FIELD	<input type="checkbox"/>		
OTHER	<input type="checkbox"/>		

(Instructions on reverse side)

SEP 11 2015

PROJECT: 2015 ADDITIONS & ALTERATIONS TO  
 (Name and address) BURNSVILLE HIGH SCHOOL BP #2  
 600 EAST HIGHWAY 13  
 BURNSVILLE, MINNESOTA 55337

CHANGE ORDER NO.: 0345.001

INITIATION DATE: 06/30/15

TO CONTRACTOR:  
 (Name and address) WELLS CONCRETE PRODUCTS COMPANY  
 835 HIGHWAY 109 NE  
 PO BOX 308  
 WELLS, MINNESOTA 56097-0308

PROJECT NOS.: 301504.01

CONTRACT FOR: Contract #0345  
 Precast Concrete Wall  
 Panels

CONTRACT DATE: 6/25/2015

The Contract is changed as follows:

Provide labor and material as necessary to complete the work for noted on the attached Page #2

# RECEIVED

SEP - 8 2015

ARMSTRONG, TORSETH  
SKOLD & RYDEEN, INC.

Not valid until signed by the Owner, Construction Manager, Architect and Contractor.

The original (Contract Sum) ( <del>Contract Maximum Price</del> ) was .....	\$	2,615,000.00
Net change by previously authorized Change Orders .....	\$	0.00
The (Contract Sum) ( <del>Contract Maximum Price</del> ) prior to this Change Order was .....	\$	2,615,000.00
The (Contract Sum) ( <del>Contract Maximum Price</del> ) will be ( <del>increased</del> ) (decreased) ( <del>unchanged</del> ) by this Change Order .....	\$	(120,000.00)
The new (Contract Sum) ( <del>Contract Maximum Price</del> ) including this Change Order will be .....	\$	2,495,000.00
The Contract Time will be ( <del>increased</del> ) ( <del>decreased</del> ) (unchanged) by .....	zero	( -0- ) days
The date of Substantial Completion as of the date of this Change Order therefore is .....		unchanged.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

WENCK CONSTRUCTION INC.

ARMSTRONG, TORSETH, SKOLD, & RYDEEN ARCHITECTS

CONSTRUCTION MANAGER  
 7500 Olson Memorial Hwy, Golden Valley, MN 55427

ARCHITECT  
 8501 Golden Valley Road, Ste. 300, Mpls., MN 55427

ADDRESS  
 BY *[Signature]* DATE 9/2/15

ADDRESS  
 BY *[Signature]* DATE 9/10/15

WELLS CONCRETE PRODUCTS COMPANY

BURNSVILLE-EAGAN-SAVAGE PUBLIC SCHOOLS

CONTRACTOR  
 835 Highway 109 NE, Wells, MN 56097

OWNER  
 100 River Ridge Court, Burnsville, MN 55337

ADDRESS  
 BY *[Signature]* DATE 8-31-15

ADDRESS  
 BY \_\_\_\_\_ DATE \_\_\_\_\_



CAUTION: You should use an original AIA document which has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced.



# Change Order

**Burnsville High School**

**Project # 30150401**

Tel: 952-707-2000 Fax: 952-707-2102

**Date: 6/30/2015**

**Contractor:**

Wells Concrete Products, Inc.  
 835 Highway 109 NE,  
 PO Box 308  
 Wells, MN 56097

**Architect's Project No:**

**Contract Date:**

**Contract Number: 0345**

**Change Order Number: 001**

The Contract is hereby revised by the following items:

PCO	Item #	Description	Amount
RCO-002	001	Credit for clarified scope of precast wall panels as indicated on Wells Concrete Products shop drawings attached to pricing dated 6-19-15.	-120,000

The original Contract (s) Value was.....	2,615,000
Sum of changes by prior Change Orders.....	0
The Contract Value prior to this Change Order was.....	2,615,000
The Contract Value will be changed by this Change Order in the amount of.....	-120,000
The new Contract Value including this Change Order will be.....	2,495,000
The Contract duration will be changed by.....	0 days
The revised Substantial Completion date as of this Change Order is.....	



**Agenda Item III.A  
October 8, 2015**

**To:** Board of Education, Members  
**From:** Superintendent Joe Gothard  
**Re:** Vision One91 Construction  
**Date:** September 29, 2015

Superintendent Gothard will give a report on Vision One91 Construction.

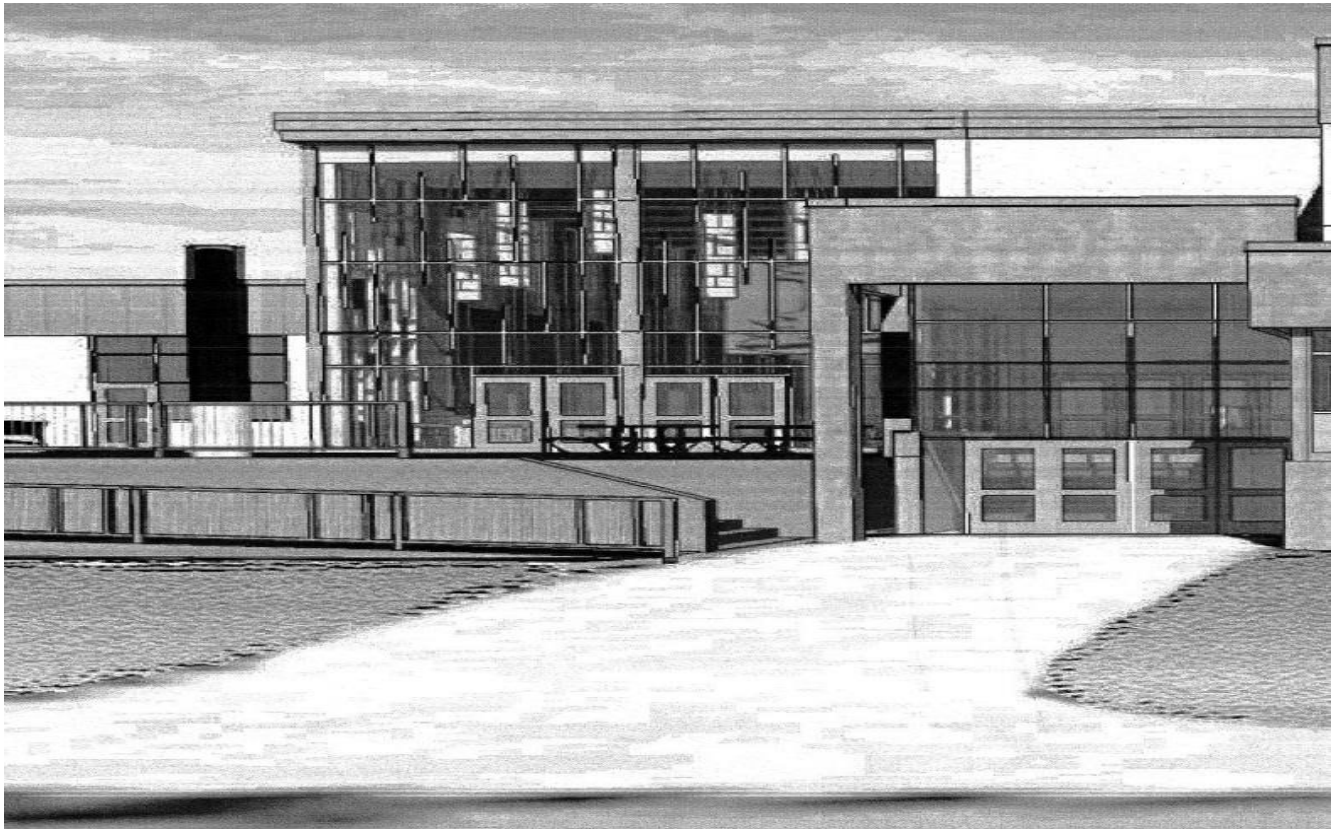


Responsive partner.  
Exceptional outcomes.

# 2015 Additions & Alterations to Burnsville High School



## PROJECT PROGRESS REPORT #01 September 2015





September 29,2015

Burnsville-Eagan-Savage Public Schools  
100 River Ridge Court  
Burnsville, MN 55337

ATTENTION: Glenn Simon

RE: Burnsville High School Additions and Alterations

Dear Glenn:

Please find the enclosed Monthly Progress Report for the Burnsville High School Additions and Alterations project. This report covers progress for the project during the previous month and includes an Executive Summary, Project Budget Report, Contractor Construction Schedules and Project Photographs.

We hope this report provides the pertinent information you need. Please contact us with any questions or concerns you may have.

Yours very truly,

Mark Hovelson  
Project Executive

CC: Steve Schmidgall, ATS&R  
Audie Miller, WCI  
Joe Yerbich, WCI  
Brittany Williams, WCI  
Kyle Donahue, WCI



## EXECUTIVE SUMMARY

### SEPTEMBER 2015 STATUS:

September delivered generally above average temperatures and favorable weather allowing contractors to make good progress on various tasks. There were however, a few days in the middle of the month that gave us excessive amounts of rain that temporarily stopped most site work.

Notable construction highlights for the month are as follows:

#### Site Work:

The majority of site work activity that took place in the month of September was the soil corrections in the northwest area of the site. There was a major power shutdown and switchover during the Labor Day Holiday weekend to disconnect the existing transformer and get the new transformer location in place and power back up. This location was within the deep soil corrections (up to 14 feet deep) which resulted in close coordination with all contractors and Dakota Electric. There was also new sanitary sewer, storm sewer, and watermain piping installed. Site grading took place in the northwest quadrant of the site for the new storm water retention basin and new parking lot. The base aggregate for the north fire drive was completed. Work at the Stadium Field events piece in the northeast quadrant was stopped by conflicts with the existing underground gas main and concerns from Centerpoint Energy. The continuation of this work is to be determined.

#### Building:

We received the State issued Building Permit for Bid Package #1 (Annex Industrial Tech Program) on August 20, 2015 and the Footings and Foundations Permit for Bid Package #3 for the new additions on September 14, 2015.

The progress made at the Annex in the month of September has been very promising; much of the concrete floors and masonry has been completed with rough-in started for mechanical systems has really made it look like a new building. The building demo has already been completed at the old Industrial Tech wing. Deep soil corrections took place at the new NW addition (Area 10/11) and several existing sanitary and storm sewer lines were replaced, which required temporary sewer lift stations to be utilized. The deep underground plumbing work was then completed. Footings and foundations started in the later part of September in this area.



Responsive partner.  
Exceptional outcomes.

Soil corrections began at the new Activity Center addition (Area 9) on the south, subsequent to relocation of existing storm and watermain utilities.

Fall classes began September 8, 2015, and seem to be going along well with the construction limits fencing clearly and safely separating the public from the construction zones.

#### Look Ahead For October:

- Underground plumbing and Foundations at the East Science addition (Area 5)
- New Storm System at the Activity Center addition
- New Storm System at the northwest pond
- NW parking lot improvements
- Recommence with grading work at the NE Stadium Field
- Annex build out to be complete
- Demo of Loading Dock, Classroom Corridors & Stairs Area 11, and Gym
- Open Bids for Bid Package #4 October 13, 2015

#### Quality Assurance:

The Construction Administrator for ATS&R, has been making weekly site meetings/visits. Northern Technologies, Inc (NTI) has been involved daily with the soil correction, required construction testing and observations for steel, concrete and masonry. The State Building Inspector provides inspections for all permitted work activities.

#### Budget:

The attached Project Budget Report includes all contracts issued to date for Bid Packages #1-3, all approved change orders and all pending cost items. We have a Placeholder for our estimate of contracts to be awarded for Bid Package #4. Project soft costs such as Design fees, Permits, Technology, Furnishings and Equipment followed by the Project Contingency are also included.

Currently the overall Project Budget is tracking on Budget.

#### Safety:

Safety is a priority and is discussed at the beginning of each weekly Contractor Coordination Meeting. We are not aware of any OSHA violations or safety incidents that occurred during the month of September.

#### Schedule:

Reference the attached Preliminary Project Schedule. This schedule will be further developed subsequent to Bid Package #4 contractors coming onboard.



Responsive partner.  
Exceptional outcomes.

Miscellaneous:

Pending structural design revisions for Area 10/11. Resolve conflicts with existing deep underground storm sewer line found below an existing column pad. Reduce and simplify foundation underpinning scope of work.

END OF EXECUTIVE SUMMARY

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
0240 BUILDING DEMOLITION	VEIT & COMPANY, INC.		CO #0240-01	\$6,243.00	EXECUTED			
			CO #0240-02	\$6,191.00	OWNER			
			CO #0240-03R	\$10,827.00	Revised 10/2	RCO#29 - weather protection	\$1,388.00	
			CO #					
			CO #					
			CO #					
			CO #				RCO#33 - demo remob	\$5,847.00
		\$71,039		\$23,261.00		\$7,235.00	\$101,535	
0600 GENERAL CONSTRUCTION - ANNEX	EBERT CONSTRUCTION		CO #0600-01	\$5,422.00	EXECUTED			
			CO #0600-02	\$1,918.00	EXECUTED	PR 010 - code changes	\$4,538.00	
			CO #0600-03	\$1,373.00	OWNER	RCO 019 - added lintels	\$2,235.00	
			CO #0600-04	\$1,035.00	OWNER	PR 020 - penthouse access door	\$502.00	
			CO #0600-05	\$13,396.00	ARCHITECT	PR 009 - Stair change	\$5,360.00	
			CO #0600-06	\$14,701.00	CONTRACTOR	RCO 028 - rebar at trench drain	\$2,492.00	
			CO #			PR 021- support existing plates	\$3,800.00	
			CO #			RCO 34 - add claims	\$5,319.00	
		\$671,900		\$37,845.00		\$25,014.00	\$734,759	
2300 MECHANICAL	KLAMM MECHANICAL CONTRACTORS, INC.		CO #2300.001	\$1,840.00	OWNER			
			CO #2300.002	\$3,049.00	CONTRACTOR			
			CO #2300.003	\$6,014.00	CONTRACTOR	PR 013 - Plumbing changes	\$1,121.00	
			CO #					
			CO #					
		\$900,000		\$10,903.00		\$1,121.00	\$912,024	
2600 ELECTRICAL	PEOPLES ELECTRIC CO., INC.		CO #2600-01	\$3,742.00	EXECUTED			
			CO #2600-02	\$5,466.00	EXECUTED			
			CO #2600-03	\$817.00	OWNER	PR 005 - Additional Conduit	\$16,227.00	
			CO #2600-04	\$9,458.00	ARCHITECT	RCO 023 - Generator/Feeder	\$47,999.00	
			CO #			RCO#33 - demo remob	(\$5,847.00)	
			CO #			RCO 37 - additional low voltage wc	\$3,143.00	
			CO #			RCO 38 - chiller feeder demo	\$2,144.00	
		\$566,500		\$19,483.00		\$1,021.00	\$64,687.00	\$650,670
3110 SITE DEMOLITION & IMPROVEMENTS	MAX STEININGER, INC.		CO #3110-01	\$15,298.00	EXECUTED	PR#17 - tree removal	\$2,310.00	
			CO #3110-02	\$18,460.00	EXECUTED	PR#5R - gas main clash	\$32,811.00	
			CO #3110-03	\$982.00	ARCHITECT	PR#13 - pavement removal	\$4,950.00	

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
			CO #3110-04	\$22,453.00	CONTRACTOR	RCO 012 - Soil corrections	\$240,300.00	
			CO #			RCO 012.2 - work around elec fee	\$11,946.00	
			CO #			PR 014 - Add bit removal	\$1,035.00	
			CO #			RCO 013 - Sanitary Bypass	\$44,000.00	
			CO #			PR 013R - changes to utilities	\$13,200.00	
		\$530,000		\$57,193.00			\$350,552.00	\$937,745
SITE UTILITIES	3300 VEIT & COMPANY, INC.		CO #3300-01	\$47,326.00	EXECUTED			
			CO #3300-02	\$4,113.00	OWNER			
			CO #3300-03	\$10,215.00	CONTRACTOR			
			CO #			PR#14 - utility changes	\$17,670.00	
			CO #			PR 013 - utility changes	\$24,990.00	
			CO #					
			CO #					
		\$410,000		\$61,654.00			\$42,660.00	\$514,314
PRECAST CONCRETE WALL PANELS	0345 WELLS CONCRETE PRODUCTS		CO #345-01	(\$120,000.00)	OWNER			
			CO #					
			CO #					
			CO #					
			CO #					
		\$2,615,000		(\$120,000.00)			\$0.00	\$2,495,000
BUILDING DEMOLITION	0241 LLOYDS CONSTRUCTION SERVICES, INC.		CO #					
			CO #					
			CO #					
			CO #					
			CO #					
		\$285,155		\$0.00			\$0.00	\$285,155
CAST-IN-PLACE CONCRETE	0330 NORTHLAND CONCRETE & MASONRY CO., LLC		CO #					
			CO #					
			CO #					
			CO #					
			CO #					
		\$2,617,189		\$0.00			\$0.00	\$2,617,189
	0340 WELLS CONCRETE PRODUCTS CO.		CO #					

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
STRUCTURAL PRECAST CONCRETE			CO # CO # CO # CO #					
		\$933,340		\$0.00			\$0.00	\$933,340

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
MASONRY 0420	CROSTOWN MASONRY, INC.		CO # CO # CO # CO # CO #					
		\$1,240,000		\$0.00			\$0.00	\$1,240,000
STRUCTURAL STEEL ERECTION 0510	RED CEDAR STEEL ERECTORS, INC.		CO # CO # CO # CO # CO #					
		\$582,300		\$0.00			\$0.00	\$582,300
STRUCTURAL STEEL SUPPLY 0512	AMERICAN STRUCTURAL METALS, INC.		CO # CO # CO # CO # CO #					
		\$898,900		\$0.00			\$0.00	\$898,900
UNDERGROUND MECHANICAL 2202	KLAMM MECHANICAL		CO # CO # CO # CO # CO #					
		\$872,000		\$0.00			\$0.00	\$872,000
EARTHWORK 3100	MAX STEININGER, INC.		CO # CO # CO # CO # CO #					
		\$1,071,000		\$0.00			\$0.00	\$1,071,000

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2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
3210 ASPHALT PAVING/CURBS	MIDWEST ASPHALT CORPORATION		CO # CO # CO # CO # CO #			PR 013R - additional bituminous	\$10,502.00	
		\$921,900		\$0.00			\$10,502.00	\$932,402
3290 LADNSCAPING/IRRIGATION SYSTEMS	URBAN COMPANIES		CO #3290-01 CO # CO # CO # CO #	\$4,120.00		PR#13R - addl sod	\$1,950.00	
		\$240,069		\$4,120.00			\$1,950.00	\$246,139
3301 SITE UTILITIES	METRO UTILITIES, INC.		CO # CO # CO # CO # CO #				\$0.00	\$288,750
		\$288,750		\$0.00			\$0.00	\$288,750
#### BID PACK #4 ESTIMATED COSTS	TBD		CO # CO # CO # CO # CO #				\$0.00	\$25,000,000
		\$25,000,000		\$0.00			\$0.00	\$25,000,000

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		\$0.00			\$0.00	\$0

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		<u>\$0.00</u>			<u>\$0.00</u>	\$0
#### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		<u>\$0.00</u>			<u>\$0.00</u>	\$0
31 #### CONTRACT TITLE	COMPANY NAME		CO # CO # CO # CO # CO #					
		\$0		<u>\$0.00</u>			<u>\$0.00</u>	\$0

2015 ADDITIONS & ALTERATIONS TO BURNSVILLE HIGH SCHOOL  
 BURNSVILLE, MINNESOTA  
 PROJECT STATUS REPORT

10/4/2015

DESCRIPTION/ CONTRACT CODE	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER #	CHANGE ORDER AMOUNT	CHANGE ORDER STATUS	PENDING ISSUES/RFI'S	COST	PROJECTED CONTRACT AMOUNT
OWNER OTHER/CONTRACTS TO BID	BUDGET		CO # CO # CO #	<u>\$0.00</u>			<u>\$0.00</u>	\$0
CONSTRUCTION SUPPORT		\$388,030	CO # CO # CO #	<u>\$0.00</u>			<u>\$0.00</u>	\$388,030
REIMBURSABLES		\$541,877	CO # CO # CO #	<u>\$0.00</u>			<u>\$0.00</u>	\$541,877
CM FEES		\$989,532	CO # CO # CO #	<u>\$0.00</u>			<u>\$0.00</u>	\$989,532
	TOTAL CHANGE ORDER AMOUNT:			<u>\$94,459.00</u>		TOTAL PENDING AMOUNTS:	<u>\$503,721.00</u>	
	CHECK NUMBERS	\$42,634,481						\$43,232,661

ID	Task Mode	Task Name	Duration	Start	Finish	11 April 1 3/22 4/12	May 21 5/3 5/24 6/14	July 11 7/5 7/26 8/16	September 9/6 9/27	October 21 10/18 11/8 11/29	December 1 12/1 10/10	February 1 1/31 2/21	March 21 3/13 4/3 4/24	May 11 5/15 6/5	July 1 6/26 7/17	August 21 8/7 8/28 9/18
1		<b>Bidding &amp; Contract Award</b>	<b>108 days</b>	<b>Thu 5/21/15</b>	<b>Thu 10/22/15</b>											
2		Bid Package #1 Bid Date	0 days	Thu 5/21/15	Thu 5/21/15											
3		BP#1 Contract Award	0 days	Thu 5/28/15	Thu 5/28/15											
4		Bid Package #2 Bid Date	0 days	Thu 6/4/15	Thu 6/4/15											
5		BP#2 Contract Award	0 days	Thu 6/11/15	Thu 6/11/15											
6		Bid Package #3 Bid Date	0 days	Tue 8/4/15	Tue 8/4/15											
7		BP#3 Contract Award	0 days	Thu 8/13/15	Thu 8/13/15											
8		Bid Package #4 Bid Date	0 days	Tue 10/13/15	Tue 10/13/15											
9		BP #4 Contract Award	0 days	Thu 10/22/15	Thu 10/22/15											
10		<b>School Milestones</b>	<b>322 days</b>	<b>Thu 6/4/15</b>	<b>Tue 9/6/16</b>											
11		School Out	0 days	Thu 6/4/15	Thu 6/4/15											
12		Schools In session	0 days	Tue 9/8/15	Tue 9/8/15											
13		No School (Conferences/Fall Break)	5 days	Mon 10/12/15	Fri 10/16/15											
14		MEA	5 days	Mon 10/12/15	Fri 10/16/15											
15		Winter Break	6 days	Wed 12/23/15	Thu 12/31/15											
16		Spring Break	8 days	Wed 3/23/16	Fri 4/1/16											
17		School Out	0 days	Thu 6/9/16	Thu 6/9/16											
18		School in Session	1 day	Tue 9/6/16	Tue 9/6/16											
19		<b>Site Prep/Mobilization</b>	<b>38 days</b>	<b>Fri 6/5/15</b>	<b>Tue 7/28/15</b>											
64		<b>Long Jump/Triple Jump Relocation</b>	<b>250 days</b>	<b>Thu 6/11/15</b>	<b>Thu 6/2/16</b>											
28		<b>Shop renovations/ Tech. Ed. Annex Building</b>	<b>90 days</b>	<b>Fri 6/19/15</b>	<b>Fri 10/23/15</b>											
78		<b>West Classroom Addition</b>	<b>269 days</b>	<b>Mon 8/10/15</b>	<b>Fri 8/26/16</b>											
117		<b>NE Science Addition</b>	<b>254 days</b>	<b>Thu 8/27/15</b>	<b>Wed 8/24/16</b>											
151		<b>Athletics Addition</b>	<b>221 days</b>	<b>Thu 8/27/15</b>	<b>Fri 7/8/16</b>											
192		<b>Sitework/Parking Lots</b>	<b>249 days</b>	<b>Tue 9/8/15</b>	<b>Fri 8/26/16</b>											
227		Interior Renovations	50 days	Mon 6/6/16	Fri 8/12/16											

**PRELIMINARY SCHEDULE**

Project: Burnsville HS Construct  
Date: Mon 10/5/15

	Task		Manual Task		Start-only		Deadline
	Split		Duration-only		Finish-only		Progress
	Milestone		Manual Summary Rollup		External Tasks		Manual Progress
	Summary		Manual Summary		External Milestone		

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# BURNSVILLE HIGH SCHOOL REPORT SEPTEMBER 2015



08/10/15 Building demolition of the old Industrial Tech wing.



08/27/15 Installing the new underground electrical service below the existing electrical service being supported by the horizontal pole.



08/27/15 The new underground electrical service being encased in a concrete ductbank.



09/05/15 Above grade Conduit routing into the existing facility for the new electrical service.

# BURNSVILLE HIGH SCHOOL REPORT SEPTEMBER 2015

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09/02/15 Pulling the new electrical wires for the electrical service.



09/15/15 This image shows the depth of subcut at the existing loading dock.



09/15/15 This image shows the amount of excavation at the building pad for the new west addition.



09/05/15 Finishing the new concrete floors in the Annex.



ECFE classrooms have added carpet squares, painted walls and casework for storage.



Added activity spaces allow Early Childhood students to work on motor skills and physical activity time.



We are very fortunate to have the Diamondhead Education Center serve as the hub of community activities. Now, participants and visitors will enter a welcoming environment on the other side of the doors.



The lower level of the Diamondhead Education Center has been busy with activity beginning last spring. ECFE classes have moved into their new spaces and programming has begun.



The tiled floor areas allow staff to quickly set up tables for lunch time and easily clean up spills.



Tiny Tots welcomes families with a new and inviting doorway and windows.



The new Construction and Automotive Labs are an extension of our summer alternative facilities work and serve as the first of many moves at BHS. The new spaces are due to be open in early November.



**Agenda III.B.  
October 8, 2015**

**To:** Board of Education, Members  
**From:** Dr. Joe Gothard, Superintendent  
**Date:** September 29, 2015  
**Re:** Board Policies

**RECOMMENDATION:** Approve, on a first reading basis, Board Policies 515: *Protection and Privacy of Pupil Records* (rescind JO), 517: *Student Recruiting* (rescind IGDK), 519: *Interview of Students by Outside Agencies* (rescind JIH), 520: *Student Surveys*, 523: *Policies Incorporated by Reference*, 525: *Violence Prevention*, 527: *Student Use and Parking of Motor Vehicles; Patrols, Inspections and Searches* (rescind JHFD), and 529: *Staff Notification of Violent Behavior by Students* (rescind GBEAD)

Administration and the Policy Review Committee have reviewed these policies and recommend approval on a first reading basis.

Edited policies and current policies are attached for your review.

Adopted: 1/86  
Reviewed: 2/11  
Revised: 10/97, 3/11  
Rescinds: JO

## **515 PROTECTION AND PRIVACY OF PUPIL RECORDS**

### **I. PURPOSE**

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

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

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

### **III. DEFINITIONS**

#### **A. Authorized Representative**

“Authorized representative” means any entity or individual designated by the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

#### **B. Biometric Record**

“Biometric record,” as referred to in “Personally Identifiable,” means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).

#### **C. Dates of Attendance**

“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who

are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

D. Directory Information<sup>[j1]</sup>

~~“Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. For students enrolled in grades K-12, directory information includes: the student’s name; address; telephone listing; ~~electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e. full-time or part-time), gender;~~ participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received and the most recent educational agency or institution attended; and ~~pictures~~ photographs of students taking part in officially recognized activities, sports, and academic or non-academic classes or programs. One of the purposes of directory information is to allow the School District to include this type of information about the student in official for school-approved publications, including but not limited to, the yearbook, the student newspapers, graduation programs, honor roll or other recognition lists, sports programs and drama playbillsvideotapes. ~~For students enrolled in prekindergarten programs, no information will be designated as directory information.~~ Directory information does not include:~~

1. a student’s social security number;
2. a student’s identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student’s identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student’s identity, such as a PIN, password, or other factor known or possessed only by the student;
4. personally identifiable data which references religion, race, color, social position, or nationality; or
5. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student’s parent or guardian.

E. Education Records

1. What constitutes “education records.” Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term, “education records,” does not include:
  - a. Records of instructional personnel which:
    - (1) are in the sole possession of the maker of the record; and
    - (2) are not accessible or revealed to any other individual except a substitute teacher; and
    - (3) are destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by the school district which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual’s capacity as an employee; and
    - (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.
  - d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
    - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

e. Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

F. Eligible Student

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

G. Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

H. Legitimate Educational Interest

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

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

I. Parent

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is

a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

J. Personally Identifiable

“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number or biometric record; (e) other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

K. Record

“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

L. Responsible Authority

“Responsible authority” means the ~~assistant~~ superintendent ~~for instruction,~~ **[Please provide the individual’s name here]** of schools or designee.

M. Student

“Student” includes any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

N. School Official

“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

O. Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

P. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

**IV. GENERAL CLASSIFICATION**

State law provides that all data collected, created, received, or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

**V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;

6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

B. Eligible Students

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

C. Disabled Students

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

## VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall



6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, the school district will provide the parent or eligible

student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers.
7. To organizations conducting studies for or on behalf of educational

agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal

action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name; home address; telephone number; date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the

information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies

the superintendent of such action; or

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 450b of Title 25), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

## **VII. RELEASE OF DIRECTORY INFORMATION**

### **A. Classification**

Directory information is public except as provided herein.

### **B. Former Students**

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an “education record,” the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual’s attendance as a student (e.g., a student’s activities as an alumnus of the school district).

### **C. Present Students and Parents**

The school district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent’s or eligible student’s right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent’s or eligible student’s prior written consent, except as provided in Section VI. of this policy.

3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
  - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by student;
4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

## VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the

student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in Section VI. of this policy, without the prior written consent of the parent or the eligible student. The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school district pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
  - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
  - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
  - e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

## **IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

### **A. Confidential Records**

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

### **B. Reports Under the Maltreatment of Minors Reporting Act**

Pursuant to Minn. Stat. § 626.556, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

### **C. Investigative Data**

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably

intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.

4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

To the extent the school district maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

**X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING**

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, *et seq.*

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS**

- A. The school district will release the names, addresses, and home telephone

numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.

B. Data released to military recruiting officers under this provision:

1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority, ~~the assistant superintendent for instruction~~ in writing by ~~[please provide the date here]~~ September 15 each year. The written request must include the following information:

1. Name of student and parent, as appropriate;
2. Home address;
3. Student's grade level;
4. School presently attended by student;
5. Parent's legal relationship to student, if applicable;
6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.

D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.

E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the

school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisdisclosure**

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

### **B. Redisdisclosure Not Prohibited**

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisdisclosure is made based upon a court order or lawfully issued subpoena.

### **C. Classification of Disclosed Data**

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

**XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING**

A. Responsible Authority

The responsible authority shall be responsible for the maintenance and security of student records.

B. Record Security

The principal of each school, subject to the supervision and control of the responsible authority, shall be the records manager of the school and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan for securing student records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and

5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy, and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.

3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

##### **A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student**

The school district shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law

or as otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

The school district shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the school district in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

**XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or

violates the privacy rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - a. be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and

- b. if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minn. Stat. Ch. 14 relating to contested cases.

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means executive director of human resources [designate title and actual name of individual].
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

## **XVIII. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school district may not require such a waiver.

## **XIX. ANNUAL NOTIFICATION OF RIGHTS**

A. Contents of Notice

The school district shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what

constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and

6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

The school district shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled

The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

**XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by the school district shall be controlled by state and federal law.

**XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)

18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (No Child Left Behind)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d  
309 (2002)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Burnsville-Eagan-Savage School District Policy 417 (Chemical Use and Abuse)  
Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)  
Burnsville-Eagan-Savage School District Policy 519 (Interviews of Students by Outside Agencies)  
Burnsville-Eagan-Savage School District Policy 520 (Student Surveys)  
Burnsville-Eagan-Savage School District Policy 711 (Video Recording on School Buses)  
Burnsville-Eagan-Savage School District Policy 906 (Community Notification of Predatory Offenders)  
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)

Descriptor Term: **Protection and Privacy of Student Records**

Descriptor Code: **JO**

Issued Date: **10/97**

Reviewed Date: **10/11**

Revised Date: **11/11**

Rescinds:

## I. PURPOSE

The school district recognizes its responsibility in regard to the collection, maintenance and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

## II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. §1232g, et seq., (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13. and Minn. Rules Parts 1205.0100-1205.2000.

## III. DEFINITIONS

### A. Dates of Attendance

Date of attendance, as referred to in Directory Information, means the period of time during which a student attends or attended a school or schools in the school district. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

### B. Dependent Student

A "dependent student" is an individual who during each of five (5) calendar months during the calendar year in which the taxable year of the parent begins:

1. is a full-time student at an educational institution; or
2. is pursuing a full-time course of instructional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of the state.

### C. Directory Information

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. For students enrolled in grades K-12, directory information includes: the student's name; address; telephone listing; gender; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees honors and awards received; and pictures for school-approved publications, newspapers and videotapes. Directory information does not include personally identifiable data which references religion, race, color, social position or nationality. For students enrolled in prekindergarten programs, no information will be defined as directory information.

#### D. Education Records

1. What constitutes "education records." Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term "education records" does not include:
  - a. Records of instructional personnel which:
    - 1) are in the sole possession of the maker of the record; and
    - 2) are not accessible or revealed to any other individual except a substitute teacher; and
    - 3) are destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided educational records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - 1) maintained separately from education records;
    - 2) maintained solely for law enforcement purposes; and
    - 3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by the school district which:
    - 1) are made and maintained in the normal course of business;
    - 2) relate exclusively to the individual in that individual's capacity as an employee; and
    - 3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.
  - d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
    - 1) made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
    - 2) made, maintained, or used only in connection with the provision of treatment to the student; and
    - 3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.
  - e. Records that only contain information about an individual after he or she is no longer a student at the school district.

#### E. Eligible Student

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

#### F. Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

#### G. Legitimate Educational Interest

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

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

#### H. Parent

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

#### I. Personally Identifiable

"Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number; (e) a list of personal characteristics that would make the student's identity easily traceable; or (f) other information that would make the student's identity easily traceable.

#### J. Record

"Record" means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

#### K. Responsible Authority

"Responsible authority" means Assistant Superintendent for Instruction.

#### L. Student

Student includes any individual who is or has been in attendance, enrolled or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district, and individuals who receive shared time educational services from the school district.

M. School Official

"School official" includes: (a) a person duly elected to the school board; (b) a person employed by or under contract with the school board in an administrative, supervisory, instructional or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, as public information officer or data practices compliance official, an attorney or an auditor for the period of his or her performance as an employee contractor. The District may use consultants contracted through an agency/organization to assist with student programming and those individuals would have access to student data.

N. Summary Data

"Summary data" means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

O. Other terms and phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

#### IV. GENERAL CLASSIFICATION

State law provides that all data collected, created, received or maintained by a school district is public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. §1232g and the regulations promulgated thereunder.

#### V. STATEMENT OF RIGHTS

##### A. Rights of Parents and Eligible Students

Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated there under;
4. The right to refuse release of secondary students' names, addresses, and home telephone numbers to military recruiting officers;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated there under;
6. The right to be informed about rights under the federal law; and

7. The right to obtain a copy of this policy at the location set forth in the COPIES OF POLICY section of this policy.

B. Eligible Students

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the educational records of such student without first obtaining the consent of the student.

## VI. DISCLOSURE OF EDUCATION RECORDS

### A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a) a specification of the records to be disclosed;
  - b) the purpose or purposes of the disclosure;
  - c) the party or class of parties to whom the disclosure may be made; and
  - d) If appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a) if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
  - b) if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that;
  - a) identifies and authenticates a particular person as the source of the electronic consent; and
  - b) indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a) in plain language;
  - b) dated;
  - c) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d) specific as to the nature of the information the subject is authorizing to be disclosed;

- e) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- f) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e above, both at the time of the disclosure and at any time in the future; and
- g) specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for (i) life insurance or non-cancellable or guaranteed renewable health insurance or identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible student consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in the STATEMENT OF RIGHTS section of this policy.

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To officials of other schools or school districts in which the student seeks or intends to enroll. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (See Part XIX.), suspension and expulsion information pursuant to section 4155 of the federal No Child Left Behind Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. §120A.22, Subd. 7 (c) or §121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with the REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA section of this policy;
3. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
4. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a) determine eligibility for the aid;
  - b) determine the amount of the aid;
  - c) determine conditions for the aid; or

d) enforce the terms and conditions of the aid.

"Financial aid" for the purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at an educational agency or institution.

5. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule attendance record, and photographs, if any; and parent's names, home addresses, and telephone numbers;
6. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted. For purposes of this provision, the term "organizations" includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five years.
7. To accrediting organizations in order to carry out their accrediting functions;
8. To parents of a dependent student;
9. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith; so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not disclosed. In addition, if the school district initiates legal action against a parent or student it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.

10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In addition, an educational agency or institution may include in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
11. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
12. Information the school district has designated as "directory information" pursuant to the RELEASE OF DIRECTORY INFORMATION section of this policy;
13. To military recruiting officers pursuant to the MILITARY RECRUITMENT section of this policy;
14. To the parent of a student who is not an eligible student or to the student himself or herself;
15. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
16. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students; or
17. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parent's names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's educational record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If

the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received with fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file

18. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian.
19. To the principal where the student attends if it information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's educational record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's educational record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action.

#### C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

## VII. RELEASE OF DIRECTORY INFORMATION

### A. Classification:

Directory information is public except as provided herein.

### B. Former students

Unless a former student affirmatively opted out of the release of directory information in his or her last year of attendance, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C of this section. In addition, under an explicit exclusion from the definition of an "education record", the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district.

### C. Present Students and Parents

The school district may disclose directory information from the education records of a student without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

1. Annually, give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a) the types of personally identifiable information regarding students that the school district has designated as directory information;
  - b) the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student as directory information; and
  - c) the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district, in writing, that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy.

### D. Procedure for Obtaining Nondisclosure of Directory Information.

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of student;
2. Home address;

3. School presently attended by student;
4. Parent's legal relationship to student, if applicable; and

E. Duration

The designation of any information as directory information about a student will remain in effect until it is modified or rescinded by the parent or eligible student.

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in a DISCLOSURE OF EDUCATIONAL RECORDS section of this policy, without the prior written consent of the parent or the eligible student.

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school district pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a) whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b) whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
  - c) whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
  - d) whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
  - e) whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§144.341 to 144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private records not accessible to student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or an eligible student.

B. Reports under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minn. Stat. §626.556, Subd. 11.

C. Investigative data

Data collected by the school district as part of an active investigation undertaken for the purpose of commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement provided by the complainant to the school district.
3. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a) a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b) the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c) the exhaustion or expiration of rights of appeal by either party to the civil legal action.
4. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to judicial, administrative or arbitration proceedings.

X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING

At a reasonable time prior to any exclusion or expulsion hearing the student, the student's parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §121A.40, et. seq.

XI. DISCLOSURE OF DATA TO MILITARY RECRUITMENT OFFICERS

- A. The school District will release the names, addresses, and home telephone numbers of secondary students to military recruiting officers within sixty (60) days after the date of the request unless a

parent or eligible student has refused in writing to release this data to military recruiters pursuant to Paragraph C. below.

- B. Data released to military recruiting officers under this provision:
  - 1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
  - 2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers. To refuse the release of the above information to military recruiting officers, a parent or eligible student must notify the responsible authority, in writing, by **[date]** each year. The written request must include the following information:
  - 1. Name of student and parent, as appropriate;
  - 2. Home address;
  - 3. Student's grade level;
  - 4. School presently attended by student;
  - 5. Parent's legal relationship to student, if applicable;
  - 6. Specific category or categories of information which are not to be released to military recruiters; and
  - 7. Specific category or categories of information which are not to be released to the public, including military recruiters.
- D. Annually, the school district will provide notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of secondary students without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers. In order to make any directory information about a student private, the procedures contained in the RELEASE OF DIRECTORY INFORMATION section of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers.

## XII. LIMITS ON REDISCLOSURE

### A. Redisdisclosure

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees and agents of any party receiving personally identifiable information under this Section may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure Not Prohibited

1. Subdivision A of this Section does not preclude the school district from disclosing personally identifiable information under the DISCLOSURE OF EDUCATION RECORDS section of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
  - a. The disclosures meet the requirements of the DISCLOSURE OF EDUCATION RECORDS section of this policy; and
  - b. The school district has complied with the record keeping requirements of the RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING section of this policy.
2. Subdivision A.. of this section does not apply to disclosures made pursuant to court orders or Lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student, or to parents of dependent students.

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

D. Notification

The school district shall, except for the disclosure made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or disclosures to a parent or student, the school district shall inform the party to whom a disclosure is made of the requirements set forth in this section. In the event that the Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

XIII. RESPONSIBLE AUTHORITY, RECORD SECURITY, AND RECORDKEEPING

A. Responsible Authority

The responsible authority shall be responsible for the maintenance and security of student records.

B. Record Security

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;

4. Means of securing student records; and
5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C of this Section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a) the parties who have requested or received personally identifiable information from the education records of the student; and
  - b) the legitimate interests these parties had in requesting or obtaining the information;
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Paragraph B of the LIMITS ON DISCLOSURE section of this policy, the record of disclosure required under this section shall also include:
  - a) the names of the additional parties to which the receiving party may disclose the information on behalf of the school district; and
  - b) the legitimate interests under the DISCLOSURE OF EDUCATION RECORDS section of this policy which each of the additional parties has in requesting or obtaining the information.
3. Paragraph (1) of Record Keeping does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Paragraph B.1) of the DISCLOSURE OF EDUCATION RECORDS section of this policy, to requests for disclosures of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or to a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed.
4. The record of requests of disclosures may be inspected by:
  - a) the parent of the student or the eligible student;
  - b) the school official or his or her assistants who are responsible for the custody of the records; and
  - c) the parties authorized by law to audit the record-keeping procedures of the school district.
5. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

A. Parent of a Student, or an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The school district shall permit the parent of a student, an eligible student or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in the DISCLOSURE OF PRIVATE RECORDS section of this policy.

B. Response to request for access

The school district shall respond to any request pursuant to Subdivision A of this Section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A of this Section includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested, or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the educational records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation or custody which provides to the contrary.

#### H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
  - a) the cost of materials, including paper, used to provide the copies;
  - b) the cost of the labor required to prepare the copies;
  - c) any schedule of standard copying charges established by the school district in its normal course of operations;
  - d) any special costs necessary to produce such copies from machine based record keeping systems, including but not limited to computers and microfilm systems; and
  - e) mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, would impair the parent or eligible student from exercising their right to inspect or review the student's education records.
5. The school district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be from to (actual search/retrieval and copying costs), plus postage if that is involved.

#### XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

##### A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy or other rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
2. The school district shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B of this Section.

## B. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district shall, on request, provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C of this Section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly, so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under Subdivision B of this Section shall:
  - a) be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and
  - b) if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

## C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A and B of this Section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

## D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minn. Stat. Chapter 14 relating to contested cases.

## XVI. WAIVER

A parent or eligible student may waive any of his or her rights provided herein pursuant to 20 U.S.C. §1232g. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school district may not require such a waiver.

## XVII. ANNUAL NOTIFICATION OF RIGHTS

### A. Contents of Notice

The school district shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of 20 U.S. C. §1232g, and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll including suspension and expulsion records pursuant to the federal No Child Left Behind Act and , if applicable, a student's history of violent behavior.

### B. Notification to Parents of Student Having a Primary Home Language Other Than English

The school district shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

### C. Notification to Parents or Eligible Students Who are Disabled

The school district shall provide for the need to effectively notify parents or eligible student identified as disabled.

## XVIII. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by the school district shall be controlled by state and federal law

## XIX. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students at the office of the Superintendent.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer  
Records of Children  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Rules Parts 1205.0100-1205.2000  
20 U.S.C. Sec. 1232g et. seq. (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.*(No Child Left Behind)  
26 U.S.C. § § 151 and 152 (Internal Revenue Code)  
34 C.F.R. §§ 99.1-99.67  
Gonzaga University v. Doe, 536 U.S. 273 (2002)

Cross References: MSBA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 519 (Interview of Students by Outside Agencies)  
MSBA/MASA Model Policy 520 (Student Surveys)  
MSBA/MASA Model Policy 711 (Videotaping on School Buses)  
MSBA Service Manual, Chapter 13, School Law Bulletin "I"  
(School Records-Privacy-Access to Data)

Adopted: \_\_\_\_\_: 4/1981 *Burnsville-Eagan-Savage School District Policy 517*  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_  
Rescinds: \_\_\_\_\_: *IGDK*

## 517 STUDENT RECRUITING

### I. PURPOSE

The purpose of this policy is to prevent school district employees from exerting undue influence for purposes of securing or retaining the attendance of a student in a school.

### II. GENERAL STATEMENT OF POLICY

- A. ~~It is the policy of the~~ The school district ~~to~~ encourages employees to make available to all interested people information regarding the school district, its schools, programs, policies, and procedures. -The purpose of such activity is to assist in the process of fully informed decision making regarding school enrollment and to enhance the visibility and image of the school district.
- B. At the same time, the school district recognizes that the scope of such activity is limited by statutory authority and bylaws of the Minnesota State High School League. -Accordingly, ~~it shall be~~ a violation of this policy ~~occurs when~~ employees ~~to~~ exert undue influence for purposes of securing or retaining the attendance of a student in a school or to compete with another school district for the enrollment of students.
- C. Employees are further prohibited from encouraging others to engage in such conduct on behalf of the school district.

### III. DEFINITION

- A. The terms, “undue influence” or “competing for enrollment,” shall include initiating any oral or written contact with a student from another school district who participates in a school-sponsored sport or activity which solicits the student’s transfer to participate in a sport or activity.
- B. The terms shall also include the awarding of tuition, allowance for board and/or room, allowance for transportation, priority in assignments of jobs, cash or gifts in any form, or any other privilege or consideration if not similarly available to all students.

### IV. PROCEDURES

- A. The school board shall adopt, by resolution, specific standards for acceptance and rejection of applications for open enrollment. -Standards may include the capacity

of a program, class, school building, or the statutory limits to nonresident enrollment in a particular grade level, or whether the student is currently expelled for (1) possessing a dangerous weapon, as defined under federal law, at a school or school function; (2) possession or using an illegal drug at school or at a school function; (3) selling or soliciting the sale of a controlled substance while at school or a school function; or committing a first, second or third degree assault as described in state law. -Standards for acceptance and rejection of open-enrollment applications are subject to the Graduation Incentives Program and may not include previous academic achievement, athletic or other extracurricular ability, disabling conditions, proficiency in the English language, previous disciplinary proceedings, or the student's district of residence.

- B. Employees who violate the provisions of the policy shall be subject to disciplinary action as appropriate. -Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, school district policies, and the bylaws of the Minnesota High School League, as applicable.

***Legal References:*** Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.68 (Graduation Incentives Program)  
Minnesota State High School League Bylaws

***Cross References:*** Burnsville-Eagan-Savage School District Policy 509 (Enrollment of Nonresident Students)  
MSBA Service Manual, Chapter 10, Minnesota State High School League (MSHSL)

Descriptor Term: **Recruitment of Students**

Descriptor Code: **IGDK**

Issued Date: **4/81**

Reviewed Date:

Revised Date:

Rescinds:

Employees of Independent School District 191 are encouraged to share and make available to all interested people information regarding the School District, its schools, programs, policies, and procedures. The purpose of such activity is to assist in the process of fully informed decision making regarding school enrollment and to enhance the visibility and image of the School District.

However, employees are advised that the scope of such activity is limited by statutory authority and bylaws of the Minnesota State High School League. Accordingly, pursuant to this authority, employees are prohibited from recruiting for purposes of securing or retaining the attendance of a student in a school or to compete with another school district for the enrollment of students. Employees are further prohibited from encouraging others to engage in such conduct on behalf of the School District.

"Recruitment" or competing for enrollment shall include initiating any verbal or written contact with a student from another school district who participates in a school sponsored team, activity, or program, or who may possess particular skills and/or talents which might be used to strengthen the performance of a team or activity sponsored by Independent School District 191. In addition, recruitment also shall include the awarding of tuition, allowance for board and/or room, allowance for transportation, priority in assignments of jobs, cash or gifts in any form, or any other privilege or consideration accorded if not similarly available to all students enrolled in the School District.

Employees who violate the provisions of the policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and School District policies. Violations of this policy shall also be reported to the Minnesota State High School League as appropriate.

Legal References:

Minn. Stat. §120.062

Minn. Stat. §123.30

Minnesota State High School League Bylaws

Adopted: \_\_\_\_\_: 2/1996 Burnsville-Eagan-Savage School District Policy 519  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_  
Rescinds: \_\_\_\_\_: JIH

## 519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

### I. PURPOSE

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. -Student safety and disruption of the educational program is of concern to the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

### II. GENERAL STATEMENT OF POLICY

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. -Upon receiving a request, ~~it shall be the responsibility of the principal~~ shall be responsible for ~~to~~ determining whether the request will be granted. -Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

### III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

- A. In the case of an investigation pursuant to the Maltreatment of Minors Act, Minn. Stat. § 626.556, Subd. 10, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. -The interview may take place at school and during school hours. -School district officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. -The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.
- B. If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to Minn. Stat. § 626.556, Subd. 10 (c) may specify that school district officials may not disclose to the parent, legal custodian, or guardian

the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. -The school district official must receive a copy of the order from the local welfare or law enforcement agency.

- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. -The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. -Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. -The notification is private educational data on the student. -School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. -Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.
- D. School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. -However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. -The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. -However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.
- E. Students shall not be taken from school district property without the consent of the principal and without proper warrant.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 626.556, Subd. 10(c) and (d) (Duties of Local Welfare Agency and Local Law Enforcement Agency Upon Receipt of a Report)

**Cross References:** Burnsville-Eagan-Savage School District Policy 103 (Complaints –

Students, Employees, Parents, Other Persons)  
Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting  
of Child Neglect or Physical or Sexual Abuse)  
Burnsville-Eagan-Savage School District Policy 515 (Protection and  
Privacy of Pupil Records)

Descriptor Term: **Interviews of Students by Outside Agencies**  
Descriptor Code: **JIH**  
Issued Date: **2/96**  
Reviewed Date:  
Revised Date:  
Rescinds: **JFG**

## PURPOSE

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

## GENERAL STATEMENT OF POLICY

Minor students may not be interviewed during the school day by persons other than parents and school district officials, employees and/or agents, (including District police liaison officers when working on behalf of the District) except as otherwise provided by law and/or this policy.

Requests from law enforcement officers and those other than parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Prior to granting a request, the principal shall contact the parents/guardians to obtain approval except where otherwise prohibited by law.

## INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

In the case of an investigation pursuant to the Maltreatment of Minors Act, Minn. Stat. §626.556, Subd. 10, a local welfare agency and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.

If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to Minn. Stat. §626.556, Subd. 10(c) may specify that school district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.

When the local welfare or local law enforcement agency determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the

investigation or assessment has been concluded. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency responsible for the investigation.

School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.

Students shall not be taken from school district property without the consent of the principal and without proper warrant.

Legal References: Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 626.556, Subd. 10(c) and (d) (Duties of Local Welfare Agency and Local Law Enforcement Agency upon receipt of a report)

Cross References: Policy KL (Public Complaints)  
Policy JHFE (Student Safety -Reporting Child Abuse, Sexual Abuse and/or Neglect)  
Policy JO-R (Student Records)

Adopted: \_\_\_\_\_  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_  
Rescinds: \_\_\_\_\_

## **520 STUDENT SURVEYS**

### **I. PURPOSE**

Occasionally the school district utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

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

Student surveys may be conducted as determined necessary by the school district. Surveys, analyses and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h.

### **III. DEFINITIONS**

- A. “Parent” means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.
- B. “Instructional material” means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (i.e., materials accessible through the Internet). The term does not include academic tests or academic assessments.
- C. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.
- D. “Invasive physical examination” means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or ~~seoliosis-dental~~ screening.

### **IV. STUDENT SURVEYS IN GENERAL**

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. There will be no requirement that the student return the survey, and no record of the student's returning a survey will be maintained.
- B. The superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student has the opportunity to opt out of the survey. Any and all documents containing the written permission of a parent for a student to opt out of a survey will be maintained by the school district in a file separate from the survey responses.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

**V. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM**

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.
- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
  1. political affiliations or beliefs of the student or the student's parent;
  2. mental and psychological problems of the student or the student's family;

3. sex behavior or attitudes;
4. illegal, antisocial, self-incriminating, or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

C. A school district that receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with Sections IV.A. and IV.B., above, concerning student privacy, parental access to information, and administration of certain physical examinations to minors.

1. The following policies are to be adopted in consultation with parents:
  - a. The right of a parent to inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including procedures for granting a parent's request for reasonable access to such survey within a reasonable period of time after the request is received.
  - b. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent of a student to inspect, on request, any such survey.
  - c. The right of a parent of a student to inspect, on request, any instructional material used as part of the educational curriculum for the student and procedures for granting a request by a parent for such access within a reasonable period of time after the request is received.
  - d. The administration of physical examinations or screenings that the school district may administer to a student. This provision does not

apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, *et seq.*).

- e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the school district in the event of such collection, disclosure, or use.
  - (1) This provision does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:
    - (a) college or other post-secondary education recruitment or military;
    - (b) book clubs, magazines, and programs providing access to low cost literary products;
    - (c) curriculum and instructional materials used by elementary and secondary schools;
    - (d) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistically useful data for the purpose of securing such tests and assessments and the subsequent analysis and public release of the aggregate data from such tests and assessments;
    - (e) the sale by students of products or services to raise funds for school-related or education-related activities; and
    - (f) student recognition programs.
  - (2) The right of a parent to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered or distributed to a student and procedures for granting a request by a parent for reasonable

access to such an instrument within a reasonable period of time after the request is received.

2. The policies adopted under Section IV.C., Subparagraph 1., above, shall provide for reasonable notice of the adoption or continued use of such policies directly to parents of students enrolled in or served by the school district.
    - a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
    - b. The notice will provide parents with an opportunity to opt out of participation in the following activities:
      - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
      - (2) The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.
      - (3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or other students.
    - c. The notice will advise students of the specific or approximate dates during the school year when the activities in Section IV.C.2., Subparagraph b., above, are scheduled, or expected to be scheduled.
    - d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.
- D. The school district shall give parents and students notice of their rights under this section.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
20 U.S.C. 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. 1232h (Protection of Pupil Rights)  
34 C.F.R. Part 99 (Family Educational Rights and Privacy Act Regulations)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)  
*C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d. 159 (3<sup>rd</sup> Cir. 2005)  
*Fields v. Palmdale School Dist.*, 427 F.3d. 1197 (9<sup>th</sup> Cir. 2005)

**Cross References:** Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)  
Burnsville-Eagan-Savage School District Policy 521 (Student Disability Nondiscrimination)  
Burnsville-Eagan-Savage School District Policy 522 (Student Sex Nondiscrimination)

Adopted: \_\_\_\_\_  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_  
Rescinds: \_\_\_\_\_

## 523 POLICIES INCORPORATED BY REFERENCE

### PURPOSE

Certain policies as contained in this policy reference manual are applicable to students as well as to employees. In order to avoid undue duplication, the school district provides notice by this section of the application and incorporation by reference of the following policies which also apply to students:

<del>Model</del> Policy 102	Equal Educational Opportunity
<del>Model</del> Policy 103	Complaints – Students, Employees, Parents, Other Persons
<del>Model</del> Policy 206	Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations
<del>Model</del> Policy 211	Criminal or Civil Action Against School District, School Board Member, Employee, or Student
<del>Model</del> Policy 305	Policy Implementation
<del>Model</del> Policy 413	Harassment and Violence
<del>Model</del> Policy 417	Chemical Use and Abuse
<del>Model</del> Policy 418	Drug-Free Workplace/Drug-Free School
<del>Model</del> Policy 419	Tobacco-Free Environment
<del>Model</del> Policy 420	Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions
<u>Policy 498</u>	<u>Political Campaigns and Activities</u>
<del>Model</del> Policy 511	Student Fundraising
<del>Model</del> Policy 524	Internet Acceptable Use and Safety Policy
<del>Model</del> Policy 525	Violence Prevention
<del>Model</del> Policy 610	Field Trips
<del>Model</del> Policy 613	Graduation Requirements
<del>Model</del> Policy 614	School District Testing Plan and Procedure
<del>Model</del> Policy 615	Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students
<del>Model</del> Policy 616	School District System Accountability
<del>Model</del> Policy 707	Transportation of Public School Students
<del>Model</del> Policy 708	Transportation of Nonpublic School Students
<del>Model</del> Policy 709	Student Transportation Safety Policy
<del>Model</del> Policy 710	Extracurricular Transportation
<del>Model</del> Policy 711	Video Recording on School Buses
<del>Model</del> Policy 712	Video Surveillance Other Than on Buses
<del>Model</del> Policy 801	Equal Access to School Facilities

Students are charged with notice that the above cited policies are also applicable to students; however, students are also on notice that the provisions of the various policies speak for themselves and may be applicable although not specifically listed above.

***Legal References:***

***Cross References:***

Adopted: \_\_\_\_\_  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_  
Rescinds: \_\_\_\_\_

## **525 VIOLENCE PREVENTION**

### **I. PURPOSE**

The purpose of this policy is to identify measures that the school district will take in an attempt to maintain a learning and working environment that is free from violent and disruptive behavior.

The school board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities and on school grounds, buses, or field trips while under school district supervision.

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

- A. The school district will enforce its weapons policy (Policy 501).
- B. The school district will act promptly in investigating all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- C. The administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the school board for review and adoption.
- D. The school district will implement violence prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

### **III. IMPLEMENTATION OF POLICY**

- A. The school board will review and approve policies to prevent and address violence in our schools. The superintendent or designee will develop procedures to effectively implement the school weapons and violence prevention policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.
- B. The school board and administration will inform staff and students annually of

policies and procedures related to violence prevention and weapons.

- C. The school district will act promptly to investigate all acts and formal and informal complaints of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- D. The consequences set forth in the school weapons policy (Policy 501) will be imposed upon any student or nonstudent who possesses, uses or distributes a weapon when in a school location.
- E. The consequences set forth in the school hazing policy (Policy 526) will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.
- F. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.
- G. Procedures will be developed for the referral of any person in violation of this policy or the weapons policy to the local law enforcement agency in accordance with Minn. Stat. § 121A.05.
- H. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial, or sexual harassment or violence against other individuals as defined in the harassment and violence policy (Policy 413) will be subject to the procedures set forth in the student dress and appearance policy (Policy 504). “Gang” as used in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. A “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.
- I. This policy is not intended to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, denote gang affiliation, advocate

harassment or violence against others, are likely to disrupt the education process, or cause others to react in a violent or illegal manner (Policy 504).

#### **IV. PREVENTION STRATEGIES**

The school district will implement prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence. Strategies will include but is not limited to:

- A. Adopt a district crisis management policy to address potential violent crisis situations in the district.
- B. Provide training in recognition, prevention, and safe responses to violence and development of a positive school climate.
- C. In-service training for personnel in aspects of reporting, visibility, and supervision as deterrents to violence.
- D. Promote student safety responsibility by encouraging the reporting of suspicious individuals and unusual activities on school grounds.
- E. Establish clear school rules that prevent and deter violence.
- F. Develop cross-cultural awareness programs to unify students of all cultures and backgrounds, to develop mutual respect and understanding of shared experiences and values among students, and to promote the message of inclusion.
- G. Develop a student photo or name identification system for quick identification of the student in case of emergency.
- H. Develop a staff photo or name identification system using identification badges for quick identification of unauthorized people on campus.
- I. Require all visitors to check-in the main office upon their arrival and state their business at the school. A visitor badge may be issued for easy identification that the visitor is authorized to be present in the school building.

#### **V. STUDENT SUPPORT**

- A. Students will have access to school-based student service professionals, when available, including counselors, nurses, social workers, and psychologists who are knowledgeable in methods to assist students with violence prevention and intervention.
- B. Students will be apprised of school board policies designed to protect their personal safety.

- C. Students will be provided with information as to school district and building rules regarding weapons and violence.
- D. Students will be informed of resources for violence prevention and proper reporting.

**VI. PERSONNEL**

- A. School district personnel shall comply with all policies related to violence prevention.
- B. School district personnel shall be knowledgeable of violence prevention policies and report any violation to school administration immediately. School district personnel will be informed annually as to school district and building rules regarding weapons and violence prevention.
- C. School district personnel or agents of the school district shall not engage in emotionally abusive acts including malicious shouting, ridicule, and/or threats or other forms of corporal punishment (Policy 507).

**Legal References:** Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)  
Minn. Stat. § 120B.22 (Violence Prevention Education)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)  
Minn. Stat. § 121A.57 (Crisis Management Policy)  
Minn. Stat. § 121A.64 (Notification)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. § 181.967, Subd. 5 (School District Disclosure of Violence or Inappropriate Sexual Contact)  
18 U.S.C. § 921 (Definition of Firearm)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997)  
*McIntire v. Bethel School*, 804 F.Supp. 1415, 78 Educ. L.Rep. 828 (W.D. Okla. 1992)  
*Olesen v. Board of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820, 44 Educ. L.Rep. 205 (N.D. Ill. 1987)

**Cross References:** Burnsville-Eagan-Savage School District Policy 413 (Harassment and Violence)  
Burnsville-Eagan-Savage School District Policy 501 (School Weapons)

Policy)

Burnsville-Eagan-Savage School District Policy 504 (Student Dress and Appearance)

Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)

Burnsville-Eagan-Savage School District Policy 507 (Corporal Punishment)

Burnsville-Eagan-Savage School District Policy 514 (Bullying Prohibition Policy)

Burnsville-Eagan-Savage School District Policy 526 (Hazing Prohibition)

Burnsville-Eagan-Savage School District Policy 529 (Staff Notification of Violent Behavior by Students)

Adopted: \_\_\_\_\_  
Reviewed: \_\_\_\_\_  
Revised: \_\_\_\_\_  
Rescinds: GBEAD

## **529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS**

### **I. PURPOSE**

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

The purpose of this policy is to address the circumstances in which private student 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 assignment of students with a history of violent behavior.

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

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

### **III. DEFINITIONS**

For purposes of this policy, the following terms have the meaning given them.

A. Administration

“Administration” means the superintendent, building principal, or other designee.

B. Classroom Teacher

“Classroom Teacher” means the instructional personnel responsible for the course or room to which a student is assigned at any given time, including a substitute hired in place of the classroom teacher.

C. History of Violent Behavior

1. A student will be considered to have a history of violent behavior if incident(s) of violence 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, 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;
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.;  
or
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.

#### **IV. PROCEDURE FOR STAFF NOTIFICATION OF STUDENTS WITH VIOLENT BEHAVIOR**

##### **A. Reports of Violent Behavior**

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

##### **B. Recipients of Notice**

Each classroom teacher of a student with a history of violent behavior (see Section III.C., above) will receive written notification from the administration prior to assignment 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 assigned to a teacher's classroom. The administration will provide notice to anyone substituting for the classroom teacher or school staff member, who has received notice under this policy, that the substitute will be overseeing a student with a history of violent behavior.

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

##### **C. Determination of Who Receives Notice**

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

##### **D. Form of Written Notice**

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

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

E. Record of Notice

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

F. Meetings Regarding Students with a History of Violent Behavior

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

G. Law Enforcement Reports

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

**V. MAINTENANCE AND TRANSFER OF RECORDS**

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

**VI. PARENTAL NOTICE**

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

## **VII. PROFESSIONAL DEVELOPMENT NEEDS**

Representatives of the school board and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training which may include training on conflict resolution and positive behavior intervention support and may discuss necessary intervention services such as student behavioral assessments.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.22, Subd. 7 (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:*** Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)

Descriptor Term: **Staff Notification of Violent Behavior by Students**

Descriptor Code: **GBEAD**

Issued Date: **5/04**

Reviewed Date:

Revised Date:

Rescinds:

## I. PURPOSE

The purpose of this policy is to address the circumstances in which information should be provided to classroom teachers and other school staff members about students with a history of violent behavior when it is believed that the student poses a future danger to self and/or others in order to serve the student and protect other students and staff members.

Development of this policy was required by the 2003 Legislature (See 2003 Session Laws, Special Session Chapter 9, Article 2, §53) and helps districts comply with Minn. Stat. §§ 121A.64 and 121A.75.

Data about students are governed by both state and federal law, Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C §1232g (Family Educational Rights and Privacy Act or FERPA). More detailed information on school district practice and policy regarding student records and data can be found in the school district's Data Practices Policy (Protection and Privacy of Pupil Records Policy) and approved Records Retention Schedule.

## II. DEFINITIONS

The following definitions will be used in this policy to give meaning to the terms listed below.

### A. Administration

Administration means the person or persons responsible for performing the school district's obligations under this Policy and who shall be the Superintendent 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.

### C. History of Violent Behavior

1. A student will be considered to have a history of violent behavior if he/she has threatened or committed violent acts and it has been determined that there is the probability of causing threatening harm to other students and/or staff.
2. If a student has an incident of violence 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 has threatened or caused physical injury to person(s) or significant damage to property, regardless of whether related to a disability or whether discipline was imposed and that there is the probability of reoccurrence in the future. This does not include injury or damage, which is accidental or is the result of negligence. An incident of violence includes an incident described in notices received from either law enforcement or the juvenile courts.

E. Legitimate Educational Interest

For purposes of federal and state law, a school staff member is determined to have a legitimate educational interest in data related to a history of violent behavior if the data requested are:

1. necessary for that school staff member to perform appropriate tasks that are specified in his or her position description or by a contract agreement;
2. used solely within the context of school business and not for purposes extraneous to the school staff member's areas of responsibility or to the school;
3. relevant to the accomplishment of a job-related task or to a determination about the student; and
4. consistent with the purposes for which the data are maintained.

F. School Staff Member

School Staff Member includes:

1. A person licensed by the State and appointed by the school board to an administrative, supervisory, instructional or other professional position such as a principal, teacher, counselor or school psychologist;
2. A person employed by or under contract to the school board to perform a special task such as paraprofessional, school bus driver, secretary, clerk, occupational therapist, or the school board attorney for the period of his or her performance as an employee or contractor; and
3. A substitute for persons listed above for the period of his or her performance as substitute.

III. STAFF NOTIFICATION

A. Recipients of Notice

Each classroom teacher of a student with a history of violent behavior (see Section II. C., above), will be notified by administration prior to placement of the student in the teacher's classroom. In addition, notice will be given by the administration to other school staff members who have a legitimate educational interest, as defined in this policy, in the data.

B. Determination of Who Receives Notice

Detailed determination of which school staff members have a legitimate educational interest will be made by the administration.

A school staff member who has received notice under this policy may refer a substitute teacher to Administration for appropriate notification.

C. Notice

The notice given to school staff members will include the following:

1. Name of the student;
2. The history of violent behavior as defined in Section II of this Policy; and
3. Reminder of the private nature of the data provided.

If appropriate, the notice will also include any or all of the following:

4. Explanation of what occurred in each incident of violent behavior if known, specifically including any mitigating factors;
5. Types of situations that might trigger violent behavior by the student, if known;
6. Successful strategies or interventions, if known;

D. Law Enforcement Reports

The administration will immediately forward to appropriate school staff members notices related to an incident of violent behavior received from law enforcement pursuant to Minn. Stat. §121A.75. Retention of the law enforcement notice is governed by Minn. Stat. §121A.75, subd. 2(e).

IV. NOTICE TO OTHER SCHOOL DISTRICTS

When transferring records of a student with a history of violent behavior, administration must send to an enrolling school district, charter school or alternative education program all student records, including all data about the student's history of violent behavior, consistent with this Policy. Transferring the records is not a violation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g or the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, provided the annual FERPA parental notice requirements are met. These written records within the student's file are educational records and are to be transmitted to an enrolling school district, as set forth in Minn. Stat. § 120A.22, subd. 7.

V. PARENTAL NOTICE

The administration will notify parents that it gives classroom teachers and other school staff members notice about student's history of violent behavior. This will be included as part of the Annual Notice of Rights required by FERPA and shall be provided to a parent/guardian at the time a Notice about the student's violent behavior under this Policy is first provided or if it is changed. In addition, the administration will notify parents that records of violent behavior are an educational record and will be transferred to an enrolling school district.

Parents will be given notice that they have the right to review and challenge records or data, (including the data documenting the history of violent behavior), under both state and federal law as set forth in the school district Data Practices Policy.

#### VI. TRAINING NEEDS

Pursuant to Minn. Stat. § 121A.64, representatives of the school board and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training, which may include training on conflict resolution and positive behavior interventions and may discuss necessary intervention services such as student behavioral assessments.

#### Legal References:

Minn. Stat. § 120A.22, subd. 7 (Education Records)  
Minn. Stat. § 121A.64 (Notification of Students with Violent Behavior)  
Minn. Stat. § 121A.75 (Law Enforcement Notice to Schools)  
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Rules implementing FERPA)  
Minn. Stat. § 13.04, subd. 4 (Process for challenging data under state law)  
34 C.F.R. §§99.20 – 99.22 (Process for challenging data under federal law)



**Agenda III.C.  
October 8, 2015**

**To:** Board of Education, Members  
**From:** Dr. Joe Gothard, Superintendent  
**Date:** September 29, 2018  
**Re:** Policy 613: *Graduation Requirements*

**RECOMMENDATION:** to approve, on a second reading basis, Policy 613: *Graduation Requirements* and to rescind Policy IKF.

A few changes were made on page 613-8 of Policy 613 following the September 24, 2015 board meeting:

- **Section VI**

- **A**

- Clarified this section by deleting “and later” and added “through 2015-16 school years”

- **B.8.**

- This section has been modified from 17 credits of electives to 14 credits of electives and now adds up to 45 credits for graduation.

- **Section VII**

- This entire section has been edited. We do not administer nationally normed college entrance exams in health, physical education, world language or vocational/technical education.

Administration and the Policy Review Committee have reviewed this policy and recommend approval on a second reading basis.

Policy 613 with the revisions since the last meeting is attached for your review.

*Adopted: 4/1997*  
*Reviewed: 9/24/2015*  
*Revised: 6/09*  
*Rescinds: IKF*

## **613 GRADUATION REQUIREMENTS**

### **I. PURPOSE**

The purpose of this policy is to set forth requirements for graduation from the school district.

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

The policy of the school district is that all students entering grade 9 in the 2012-2013 school year and earlier must satisfactorily complete, as determined by the school district, all credit requirements, all state academic standards, or local standards where state standards do not apply, and successfully pass graduation examinations, as required, in order to graduate. For students entering grade 9 in the 2013-2014 school year and later, the school district's policy is that students must demonstrate, as determined by the school district, their satisfactory completion of the credit requirements and their understanding of academic standards on a nationally normed college entrance exam. The school district must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule.

### **III. DEFINITIONS**

- A. "Academic standard" means: (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, or the arts, or (2) a locally adopted expectation for student learning in health, the arts, career and technical education, or world languages.
- B. "Credit" means a student's successful completion of a semester of study or a student's mastery of the applicable subject matter, as determined by the school district.
- C. "Section 504 Accommodation" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities.
- D. "Individualized Education Program" or "IEP" means a written statement developed for a student eligible by law for special education and services.
- E. "English language learners" or "EL" student means an individual whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.

- F. “GRAD” means the graduation-required assessment for diploma that measures the reading, writing, and mathematics proficiency of high school students.

**IV. TEST ADMINISTRATOR**

The district shall name a staff member as the school district test administrator. Said person shall be in charge of all test procedures.

**V. GRADUATION ASSESSMENT REQUIREMENTS**

This table outlines the requirements for meeting graduation assessment requirements based on when students first enrolled in grade 8. The requirements for students first enrolled in grade 8 in 2012-13 and later have been revised based on current legislation:

- These students are no longer required to participate in the series of Career and College Assessments.
- Districts must provide students the opportunity to participate in a national college entrance exam during the school day. The college entrance exam is not provided through a statewide administration.
- All students must be offered the opportunity but are not required to participate.

First Enrolled in Grade 8 In 2010-11 or Earlier  (Likely students older than grade 12 in school year 2015-16)	First Enrolled in Grade 8 In 2011-12  (Likely grade 12 student in school year 2015-16)	First Enrolled in Grade 8 In 2012-13  (Likely grade 11 student and younger in school year 2015-16)
<p>Meet requirements through any combination of the three options below as long as met in each subject (writing, reading, and mathematics):</p> <p>Meet or have met district graduation requirements OR Take or have taken ACT/WorkKeys/ACT Compass/ Armed Services Vocational Aptitude Battery (ASVAB) OR Have received score on equivalent assessment (district determined)</p>	<p>Took the grade 11 ACT Plus Writing during the statewide administration in 2014-15 to meet requirements in writing, reading and mathematics.</p> <p>If unable to participate in the grade 11 ACT Plus Writing statewide administration or receive a valid score in each subject, meet the graduation assessment requirements in each subject through a combination of the options outlined in the first column.</p>	<p>Be provided the opportunity to participate in a district provided college entrance exam in grade 11 or grade 12.</p>

\*GRAD alternate routes refers to mathematics alternative pathway (only for students enrolled in grade 8 through 2009-10), individual passing score, EL exemption, and pass other state (reciprocity).

## VI. GRADUATION CREDIT REQUIREMENTS

- A. Students beginning 9<sup>th</sup> grade in the 2011-2012 school year ~~and later~~ through 2015-16 school years must successfully complete, as determined by the school district, 32 high school level credits for graduation. Requirements for graduation are as follows:
1. Successfully complete the following courses offered at the district's three junior high schools: Geography 9, English 9, Math 9, Earth/Physical Science 9;
  2. Successfully complete 32 high school level credits in grades 10-12. A credit is equivalent to a student successfully completing a semester of study or a student mastering the applicable subject matter, as determined by the school district.
    - a. Six credits of language arts;
    - b. Six credits of social studies, including world history, American history, and government and economics;
    - c. Four credits of mathematics, including geometry and algebra II;
    - d. Four credits of science, including biology and chemistry;
    - e. Two credits of fine arts;
    - f. One credit of health;
    - g. One credit of physical education; and
    - h. Eight credits of electives, including one credit of Senior Studies.
- B. Students beginning 9<sup>th</sup> grade in the 2016-2017 school year and later must successfully complete 45 high school level credits for graduation. A credit is equivalent to a student successfully completing a semester of study or a student mastering the applicable subject matter, as determined by the school district.
1. Eight credits of language arts sufficient to satisfy all of the academic standards in English language arts;

2. Six credits of mathematics, encompassing geometry, statistics and probability, and two Algebra II credits, plus Algebra I in 8th grade for no HS credit;
3. Six credits of science, including two credits of biology and two credits of chemistry, and encompassing all of the academic standards in science;
4. Seven credits of social studies, encompassing United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;
5. Two credits of the arts sufficient to satisfy all of the state or local academic standards in the arts;
6. One credit of health, required during freshman or sophomore year;
7. One credit of physical education; and
8. ~~Seventeen~~Fourteen credits of electives.

## VII. GRADUATION STANDARDS REQUIREMENTS

~~A. All students must demonstrate their understanding of the following academic standards on a nationally normed college entrance exam:~~

- ~~1. School District Standards, Health and Physical Education (K-12);~~
- ~~2. School District Standards, Vocational and Technical Education (K-12); and~~
- ~~3. School District Standards, World Languages (K-12).~~

~~B. Academic standards in health, world languages, and vocational and technical education will be reviewed on an annual basis.\*~~

~~\* Reviews are required to be conducted on a periodic basis. Therefore, this time period may be changed to accommodate individual school district needs.~~

AC. All students must satisfactorily complete the following required Graduation Standards in accordance with the standards developed by the Minnesota Department of Education (MDE):

1. Minnesota Academic Standards, Language Arts K-12;

2. Minnesota Academic Standards, Mathematics K-12;
3. Minnesota Academic Standards, Science K-12;
4. Minnesota Academic Standards, Social Studies K-12; and
5. Minnesota Academic Standards, Arts K-12.

**BD.** The academic standards for language arts, mathematics, and science apply to all students except the very few students with extreme cognitive or physical impairments for whom an IEP team has determined that the required academic standards are inappropriate. An IEP team that makes this determination must establish alternative standards.

### **VIII. EARLY GRADUATION**

Students may be considered for early graduation, as provided for within Minn. Stat. § 120B.07, upon meeting the following conditions:

- A. All course or standards and credit requirements must be met;
- B. The principal or designee shall conduct an interview with the student and parent or guardian, familiarize the parties with opportunities available in post-secondary education, and arrive at a timely decision; and
- C. The principal's decision shall be in writing and may be subject to review by the superintendent and school board.

**Legal References:** Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)  
Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.021 (Required Academic Standards)  
Minn. Stat. § 120B.023 (Benchmarks)  
Minn. Stat. § 120B.024 (Graduation Requirements; Course Credits)  
Minn. Stat. § 120B.07 (Early Graduation)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Involuntary Career Tracking Prohibited)  
Minn. Stat. § 120B.128 (Educational Planning and Assessment System (EPAS) Program)  
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)  
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 3501.1300-3501.1345 (Academic Standards for Social Studies)  
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 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)



# School Board Workshop

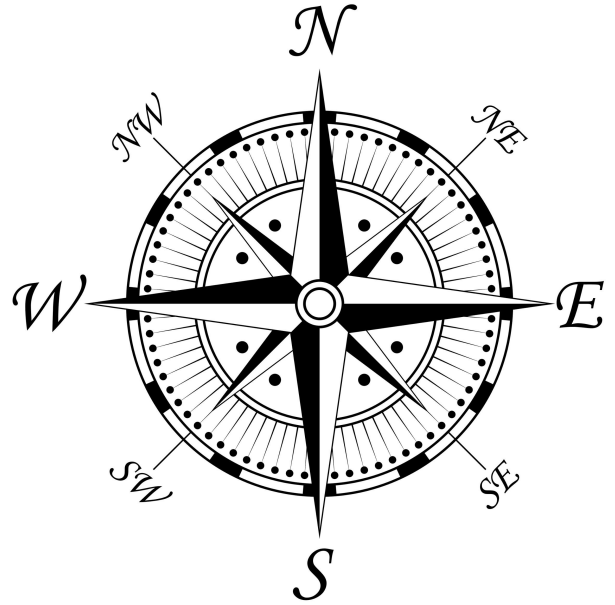
October 8th, 2015

# Agenda

- **What are the 2015 MCA data points showing us?**
  - Percent Proficient (noted when below state average)
  - School designations
- **What are we learning from the **common themes** within our pockets of success?**
- **What **action steps** are we taking based on this information?**

# Purpose of Today's Meeting

- Share MCA data
- Systems Check
- Are we heading in the right direction?



# MCA 2015-2016

Results from the 2015 Minnesota Comprehensive Assessments (MCA), taken by students in Burnsville-Eagan-Savage School District 191 last spring and received on July 27, mirrored statewide results with math scores generally lower than in 2014 and mixed results in both reading and science.

Overall, at most grade levels, District 191 results were below state averages, supporting the need for many of the changes being implemented through Vision One91 and last spring's voter-approved referendum.

“On the surface, the results are disappointing because I know we all want to see greater achievement for students because their potential is at stake,” said Superintendent Joe Gothard. “But we are realizing strong results from places where changes are already underway, and we will expect to see this improvement district wide in coming years.”

# MCA Reading 2015: Percent Proficient

Grade	White	Black	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native
3	69.1	41.2	30.6	56.9	38.5
4	71.1	41.4	23.9	45.5	50.0
5	71.8	45.2	37.0	62.0	40.0
6	80.6	46.2	39.4	77.4	60.0
7	58.9	33.1	20.2	45.8	0
8	65.1	30.1	25.6	53.0	50.0
10	65.2	33.9	21.1	50.0	25.0

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# MCA Math 2015 : Percent Proficient

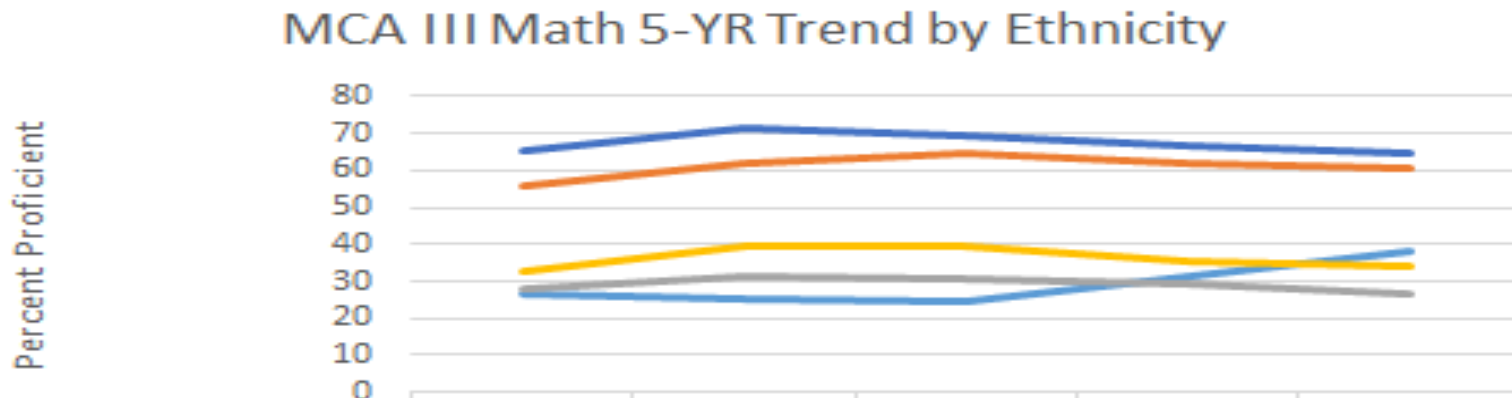
Grade	White	Black	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native
3	80.4	49.5	41.7	73.0	30.8
4	75.0	46.2	31.1	64.9	50.0
5	64.7	36.9	26.8	60.8	40.0
6	64.7	32.4	25.5	74.2	70.0
7	60.9	25.9	19.8	41.7	16.7
8	57.7	22.4	22.1	53.0	25.0
11	53.7	12.8	10.6	47.8	20.2

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[2015 MMR Data Detail](#)

# MCA Math Percent Proficient

## 5 Yr Trend by Ethnicity

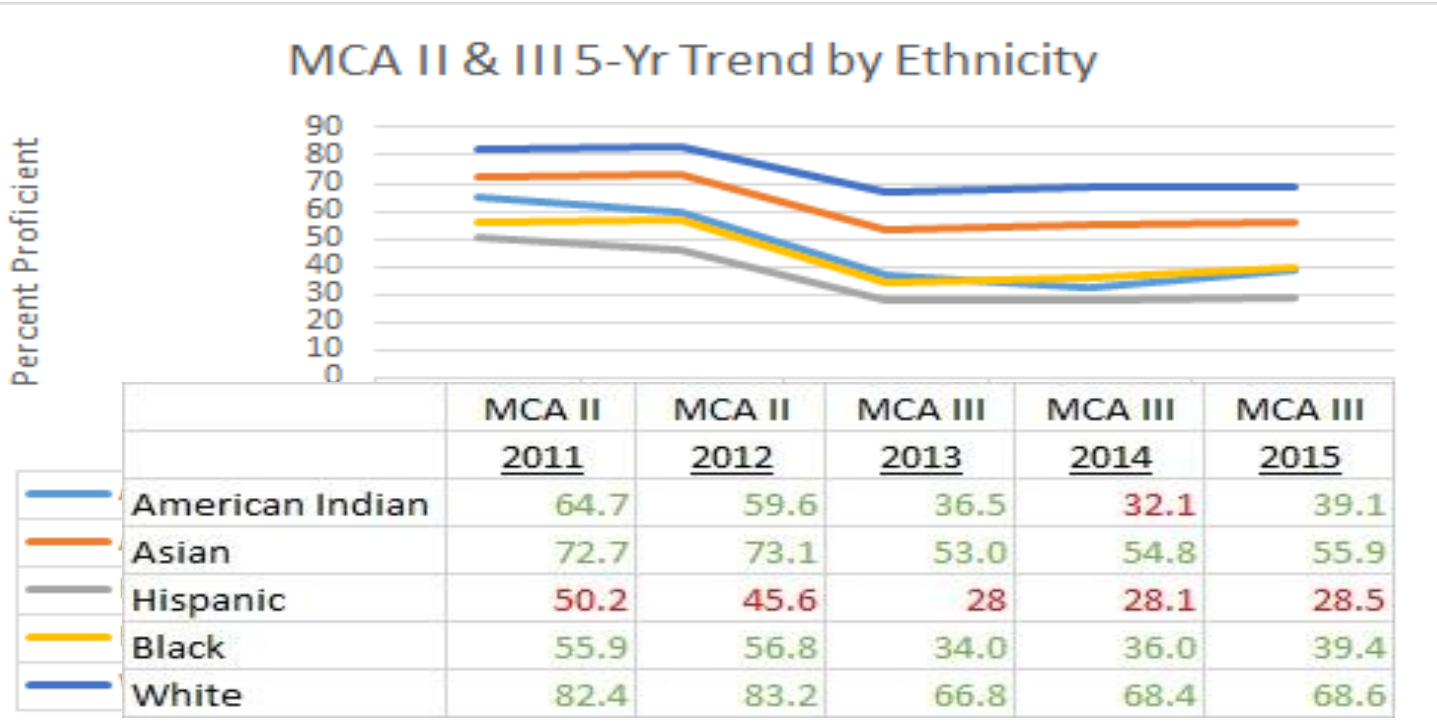


	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
American Indian	26.5	25.5	24.5	31.4	38.3
Asian	55.8	62.2	64.8	62.0	60.3
Hispanic	28.3	31.4	30.7	29.1	26.4
Black	32.4	39.5	39.6	35.4	34.2
White	65.5	71.3	69.1	66.8	64.8

Red scores indicate below state average. Green indicate above state average

# MCA Reading Percent Proficient

## 5-Yr Trend by Ethnicity



Red scores indicate below state average. Green indicate above state average

# Multiple Measures Rating/Focus Ratings:

Minnesota developed an accountability system that is focused on closing the achievement gap and promoting high growth for all students. A [Multiple Measurements Rating](#) (MMR) is given to all schools in the state on an annual basis and measures school performance in the areas of

- proficiency (25pts)
- growth (25 pts)
- achievement gap reduction (25 pts)
- graduation rates (25 pts - pertains to High School only)

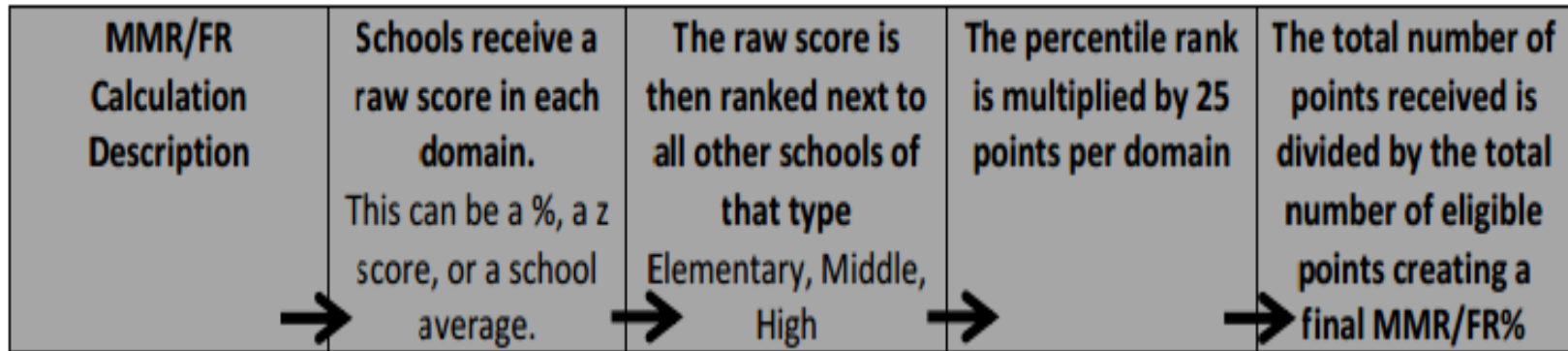
**A TOTAL score for Elementary and Junior High = 75 points**

**A TOTAL score for High School = 100 points**

A second rating, the Focus Rating (FR), is also used to measure a school's success in reducing achievement gaps between student groups.

# MMR - Calculations

MMR calculates a raw score in 5 different domains. It then ranks those raw scores compared to all of the other schools of that type in the state. It then uses what percentile rank that score is in to assign a final number of points in each category. The total number of points a school receives is then divided by the number of points it is eligible for to result in the final MMR or FR %. The five domains are proficiency, growth, achievement gap reduction (AGR), graduation, and focused proficiency.



# Trend MMR

(Proficiency, Growth, Gap, Growth Rate)



School Name	2012 MMR	2013 MMR	2013 Adjusted MMR	2014 MMR	2015 MMR	Curr Yr MMR CHG	2014 Title 1	2015 Title 1
Burnsville Senior High	43.53	71.43	74.87	76.56	54.25	-22.31		N
Metcalf Junior High	6.98	11.78	35.76	24.09	17.72	-6.37		N
Eagle Ridge Junior High	11.94	20.07	45.63	26.89	16.1	-10.79		N
Nicollet Junior High	4.88	8.37	29.62	25.16	13.79	-11.37		N
Gideon Pond Elementary	82.01	86.44	78.56	88.7	85.85	-2.85		Y
Edward Neill Elementary	59.77	83.48	76.91	86.08	83.24	-2.84		Y
M. W. Savage Elementary	99	76.88	73.1	64.68	68.07	3.39		Y
Sioux Trail Elementary	50.67	49.8	58.02	58.7	50.47	-8.23		Y
Vista View Elementary	31.86	26.8	45.42	57.21	50.64	-6.57		Y
William Byrne Elementary	55.79	27.94	50.53	55.86	63.73	7.87		N
Rahn Elementary	79.37	39.92	60.13	56.07	41.63	-14.44		N
Sky Oaks Elementary	35.62	51.1	60.55	31.18	31.12	-0.06		Y
Hidden Valley Elementary	25.51	44.09	60.79	44.08	30.02	-14.06		Y
Harriet Bishop Elementary	76.29	90.54	81.23	84.3	72.05	-12.25		N
Burnsville Alternative High	23.19							
Burnsville Area Learning Center	46.31	43.5	28.8	40.75	32.3	-8.45		N
Extended Day/Extended Year				71.97	60.95	-11.02		

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MMR/FR score is calculated using the MMR total points/MMR possible points.  
[MMR Explained](#)

# Trend- FR

(Proficiency, Growth, Gap, Growth Rate)



School Name	2012 FR	2013 FR	2013 Adjusted FR	2014 FR	2015 FR	Curr Yr FR CHG	2014 Title 1	2015 Title 1
Burnsville Senior High	37.34	43.86	60.69	68.47	35.78	-32.69		N
Metcalf Junior High	6.53	10.44	43.97	32.22	12.97	-19.25		N
Eagle Ridge Junior High	9.01	20	55.95	27.53	12.85	-14.68		N
Nicollet Junior High	7.43	14	47.57	31.02	11.1	-19.92		N
Gideon Pond Elementary	86.53	89.51	83.75	93.48	82.6	-10.88		Y
Edward Neill Elementary	87.3	88.45	83.07	91.5	86.1	-5.4		Y
M. W. Savage Elementary	99.49	82.11	79.54	74.61	75.22	0.61		Y
Sioux Trail Elementary	58.9	63.67	69.38	65.1	59.9	-5.2		Y
Vista View Elementary	26.27	23.61	47.63	61.29	53.53	-7.76		Y
William Byrne Elementary	67.85	26.46	62.07	67.95	74.12	6.17		N
Rahn Elementary	86.34	25.86	60.53	65.59	41.75	-23.84		N
Sky Oaks Elementary	31.54	42.39	58.66	26.92	25.66	-1.26		Y
Hidden Valley Elementary	22.02	35.51	66.09	45.07	25.67	-19.4		Y
Harriet Bishop Elementary	79.23	91.24	84.91	89.89	69.51	-20.38		N
Burnsville Alternative High								
Burnsville Area Learning Center	51.34	48.76	25.8	37.55	22.22	-15.33		N
Extended Day/Extended Year								

Focus Rating calculates growth without the category "All Students." FR total points/50 points.

# Trend MMR Designation

(Proficiency, Growth, Gap, Grad. Rate)

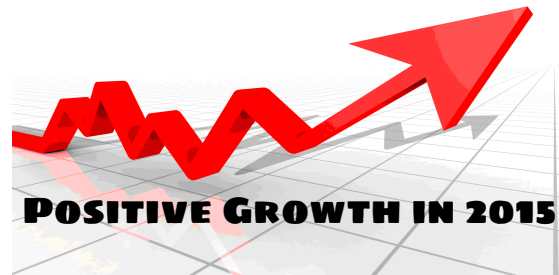
School Name	2012 MMR Designation	2013 MMR Designation	2014 MMR Designation	2015 MMR Designation	2014 Title 1	2015 Title 1
Burnsville Senior High					N	N
Metcalf Junior High					N	N
Eagle Ridge Junior High					N	N
Nicollet Junior High					N	N
Gideon Pond Elementary	Reward	Reward	Reward	Reward	Y	Y
Edward Neill Elementary	Celebration Eligible	Reward	Reward	Reward	Y	Y
M. W. Savage Elementary	Reward	Celebration Eligible	Celebration Eligible	Celebration Eligible	Y	Y
Sioux Trail Elementary					Y	Y
Vista View Elementary					Y	Y
William Byrne Elementary					N	N
Rahn Elementary					N	N
Sky Oaks Elementary			Focus	Focus	Y	Y
Hidden Valley Elementary					Y	Y
Harriet Bishop Elementary					N	N
Burnsville Alternative High						
Burnsville Area Learning Center					N	N
Extended Day/Extended Year						

\*No new Priority or Focus designation were made in 2015 due to testing outages in April and May

# Reward School



Minnesota Department of  
Education



“The collaborative teams included all staff, looked at data on an ongoing basis, and , worked together to make sure that we prioritized giving students targeted instruction at their level to accelerate learning.”

Principal, Mrs. Kristine Black  
Gideon Pond Elementary

“At Neill, we collaborate regularly to analyze student data to make instructional decisions as a team, keeping in mind the emotional and mental health needs of all students.”

Principal, Dr. Liz Vaught  
Edward Neill Elementary

## **COMMON THEME: USING DATA TO DETERMINE IMPACT ON STUDENT LEARNING.**

“We continued to focus on Core Instruction, (and), we worked to provide across grade level intervention and enrichment opportunities using day-to-day assessments that inform instruction that meet the academic needs of all students. Third, we focused on developing strong, emotionally healthy students.”

Principal, Jeff Nepsund  
M.W. Savage Elementary

Our success is due to application of instructional systems that provide teachers with tools such as daily assessments...to plan for, monitor, and adjust to students individual needs.

Principal, Lyle Bomsta  
William Byrne Elementary

# Decisions and Direction for 2015-2016

## ELEMENTARY LITERACY

- **K-6 literacy professional development will center on current, research-based, instructional practices: Balanced Literacy in a Reading Workshop Model.**
- **We will focus on using the read aloud time more interactively to model reading strategies and engage students in higher level thinking.**
- **There will be a focus on supporting teachers in using the data they currently have to get students reading at the appropriate independent level.**

## ELEMENTARY MATH

- **We will continue to support the implementation of Singapore Strategies in math.**
- **The development of teacher leaders to provide district-wide professional development for K-5 teachers with an emphasis on using common assessments.**

# Decisions and Direction for 2015-2016

## JUNIOR HIGH LITERACY

- 7-9 literacy professional development will center on current, research-based, instructional practices: AVID Critical Reading Strategies.
- All content areas will focus on using the critical reading strategies and engage students in higher level thinking and Costa's Levels of Questions.
- There will be a focus on supporting teachers in using the data they currently have to get students reading at the appropriate independent level.

## JUNIOR HIGH MATH

- We will continue to support the implementation of problem-solving strategies in math.
- We are revisiting 7-8 math curriculum for rigor and standards alignment.
- There will be a focus on supporting teachers in using the data they currently have to get identify gaps and/or overlaps in the area of math instruction.

# Decisions and Direction for 2015-2016

## HIGH SCHOOL LITERACY

- **Model AVID Critical Reading Strategies and incorporate collaborative engagement strategies.**
- **Identify the essential standards for each content area and incorporate reading benchmarks that are (1) research and evidence based, (2) aligned with college and work expectations, (3) rigorous, and (4) internationally benchmarked.**
- **Focus on supporting teachers in using the data they currently have to get students reading at the appropriate independent level.**

## HIGH SCHOOL MATH

- **Continue to support the implementation of problem-solving strategies in math and develop course sequences that prepare students for success in college-level mathematics courses.**
- **Focus on supporting teachers in using the data they currently have to get identify gaps and/or overlaps in the area of math instruction.**
- **Develop district formative, benchmark and common summative assessments to monitor student progress.**

# Questions?