

Policy Committee

Tuesday, August 23, 2022 4:30 PM

Board Assembly Room, 1250 West Broadway Avenue, Minneapolis, Minnesota 55411

- 1) **Call to Order and Roll Call**
- 2) **Adoption of Agenda**
- 3) **Acceptance of Minutes**
 - a. May 24, 2022 Minutes
- 4) **Reports and Discussion**
 - a. Equity and Diversity Impact Assessment (EDIA): School Fundraising
 - b. Regular Policy Reviews
 1. Policy 5200 (Behavior Standards And Code Of Conduct)
 2. Policy 5201 (Bullying And Hazing Prohibition)
- 5) **New Business**
 - a. Revision of Policy 4016: Family Medical Leave Act
- 6) **Adjournment**

**OFFICIAL MINUTES
MINNEAPOLIS BOARD OF EDUCATION**

**POLICY COMMITTEE MEETING
MAY 24, 2022**

CALL TO ORDER

Chair Nelson Inz called the meeting to order at 4:32 p.m., a quorum being present.

ROLL CALL

Present: Directors Adriana Cerrillo (arrived after roll call at 4:37 p.m.), Cindy Booker, Kim Ellison, Nelson Inz (4)

Absent: Director Ira Jourdain (1)

APPROVAL OF AGENDA

Ellison moved to approve the agenda.

On a voice vote, the motion was adopted unanimously.

APPROVAL OF MINUTES

Cerrillo moved to approve the minutes from the April 26, 2022 meeting.

On a voice vote, the motion was adopted unanimously.

REPORTS AND DISCUSSION

Equity and Diversity Impact Assessment (EDIA): Site Council Equity Considerations for Policies

Staff provided an overview and recommended next steps on the Equity and Diversity Impact Assessment (EDIA) Site Council Equity Considerations for Policies process, which was conducted on Policy 1692 (School Site Councils).

Regular Policy Reviews

Staff provided a review of Policy 5635 (Reporting Maltreatment Of Minors And Vulnerable Adults), Policy 3700 (Fund Balance), and Review Policy 6690 (Wellness Policy), and Policy 4016 (Family Medical Leave Act).

NEW BUSINESS

Revision of Revision of Policy 3548: Bus Safety

Booker moved to forward the proposed revision of Policy 3456 to the full board with the committee's recommendation.

On a voice vote, the motion was adopted unanimously

Revision of Policy 6690: Wellness Policy

Cerrillo moved to forward the proposed revision of Policy 6000 to the full board with the committee's recommendation.

On a voice vote, the motion was adopted unanimously

ADJOURNMENT

Without objection, Chair Inz adjourned the meeting at 5:05 p.m.

Minutes submitted by Ryan Strack, Administrator of Board and Government Relations.

Meeting materials: <https://meetings.boardbook.org/Public/Agenda/1807?meeting=530987>

DRAFT

School Fundraising Equity and Diversity Impact Assessment (EDIA)

**Accountability,
Research, and
Equity**

August 2022

School Fundraising EDIA + MPS Policies

Examine school-based fundraising policies and practices, the district's infrastructure for gathering information on school fundraising, and the current state of school fundraising in MPS.

Overarching Evaluation Questions:

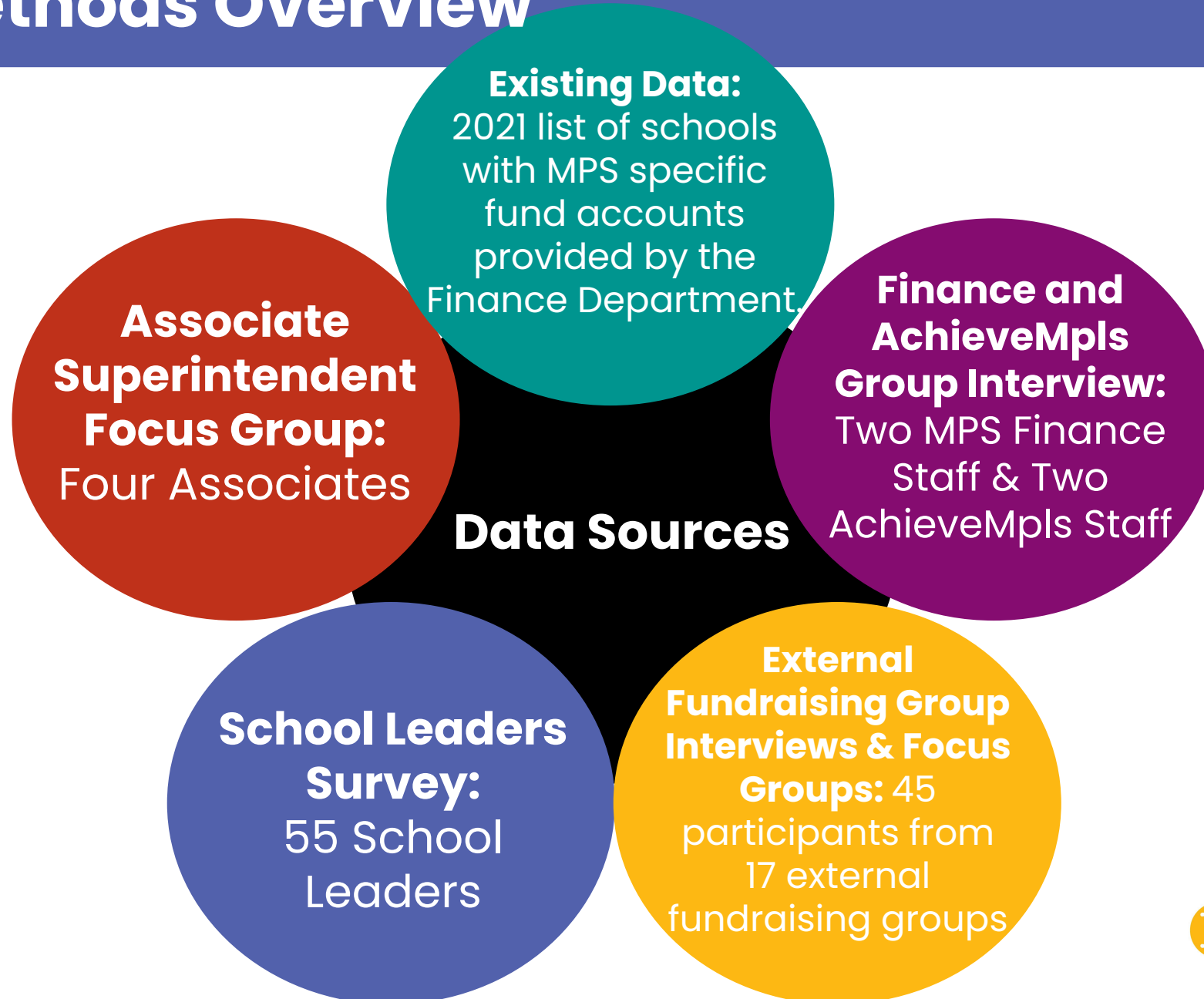
- What is the current state of school fundraising?
- To what extent are funds raised and received from external sources (i.e., parent, alumni, or external fundraising groups) used equitably?

Policy 5540:
Fundraising

Policy 3280: Gifts,
Bequests And
Grants

Policy 1720:
External Funds

EDIA Methods Overview



Context

**Predictable
Staffing
Requirements**

**Supplemental
Funding**

**Additional
funding through
donations,
fundraising, and
outside
resources**

Overall Finding

MPS schools are inadequately funded and stakeholders are aware that there are inequities in fundraising ability across the school district.

Systemic Level	<p>The first set of findings focuses on:</p> <ul style="list-style-type: none">• understanding MPS fundraising policies, its oversight structure, and limitations.• challenges collecting information about who is raising funds and the extent to which schools are supported by external fundraising efforts.
School Fundraising Practices	<p>The second set of findings focuses on:</p> <ul style="list-style-type: none">• understanding fundraising practices across external fundraising groups• the relationship between school leaders and external fundraising groups as well as the relationship between the district and external fundraising groups.
Stakeholder Experiences	<p>The third set of findings focuses on understanding stakeholders' experience navigating current fundraising efforts at their schools and using MPS-specific fund accounts to support fundraising efforts.</p>

Systemic Level

Finding 1: Current MPS policies give the district little control over the activities of external fundraising entities and limit the amount of information available to the district regarding fundraising done by external entities, making it difficult to fully understand the current level of inequity in fundraising.

Three systemic challenges were identified:

District fundraising policies have limitations

Limited information and oversight

Lack of a systematic way to report and share information across groups and stakeholders

Systemic Level

Sub-Findings: System Challenges	Summary
District fundraising policy has limitations	MPS fundraising policies are only applicable to school- and district-sponsored fundraisers.
	The district’s parameters and practices around accepting funds raised by individuals, external groups, or third-party organizations have become more stringent.
Limited information and oversight	The district does not have oversight over these external entities.
	MPS has limited access to fundraising information sponsored or held by individuals.
	MPS is unable to report the extent to which the amount of funds raised varied across schools without a comprehensive understanding of the amount of funds that are raised and used to support schools outside of the district’s budget allocations, or what those funds are being spent on.
Lack of a systemic way to report and share information	A comprehensive list of external fundraising groups and third party organizations does not exist.
	External entities are not required to report any information.
	To understand the full picture around school fundraising and if it is equitable across schools, more information is needed.

School Fundraising Practices

Finding 2: Many stakeholders, including school leaders, external fundraising groups, MPS Finance, and the Associates, are aware that there are inequities in fundraising ability across schools, and that external entity fundraising efforts may further perpetuate existing inequities across schools.

Three practice challenges were identified:

Not all schools have external fundraising groups raising funds for their school

Fundraising practices varied across groups

Fundraising decisions vary across schools and external fundraising groups

School Fundraising Practices

Challenges Related to Practices	Summary
<p>Not all schools have an external fundraising group</p>	<p>Fundraising activities varied from school to school and ranged from small to large efforts.</p>
	<p>Some external fundraising groups feel that their school does not receive supplemental funding, so they fundraise to maintain what they see as a base level of programming or staffing.</p>
	<p>Fewer school leaders in the Henry, South, and Magnet/Citywide high school attendance areas reported having an external fundraising group compared to the other high school attendance areas.</p>
<p>Fundraising practices varied across groups</p>	<p>Schools with external fundraising groups generally felt they were spending funds equitably and addressing school needs.</p>
	<p>Most school leaders felt funds were being spent equitably at their school, while some external fundraising groups wondered how they could spend funds more equitably.</p>
	<p>Both external fundraising groups and school leaders reported that funds raised are generally spent on supporting a school need (i.e., providing additional support, hosting events to build community, showing staff and family appreciation, and more).</p>

School Fundraising Practices

Challenges Related to Practices	Summary
<p>Fundraising decisions vary across schools and external fundraising groups</p>	<p>Relationships between external fundraising groups and school leaders vary but are generally positive. Most external fundraising groups reported having regular communication with school leaders.</p>
	<p>Most external fundraising groups reported involving the principal formally or informally in decision-making. Some external fundraising groups would like to have more involvement from parents and the community in their decision-making process.</p>
	<p>While MPS cannot provide any oversight over external entities, school leaders and external fundraising groups generally feel that school leaders have influence over or can provide input on fundraising decisions at their site.</p>
	<p>Most school leaders are aware of the fundraising activities or projects happening at their school even if they are not involved or have little influence in the external fundraising group decision-making process.</p>

Stakeholder Experiences

Finding 3: Although most external groups fundraising to support schools were impacted by the pandemic, those who already had a difficult time raising funds before the pandemic experienced more challenges.

Two challenges related to stakeholder experiences were identified:

**Schools using
MPS-specific fund
accounts
experienced some
challenges with the
reimbursement
process.**

**The pandemic
and Comprehensive
District Design
changes added
layers of challenges
to school fundraising
efforts**

Stakeholder Experiences

Challenges Related to Stakeholder Experiences	Summary
<p>Schools using MPS-specific fund accounts experienced some challenges with the reimbursement process</p>	<p>Schools have access to MPS specific fund accounts for school-related activities outside of the classroom and generally used for school sponsored fundraising activities.</p>
	<p>Although schools have more flexibility in how to spend funds routed through their Achieve account, the reimbursement process can be a barrier or create challenges for the school and for the group.</p>
<p>The pandemic and Comprehensive District Design changes added layers of challenges to school fundraising efforts</p>	<p>The pandemic had a significant impact on schools.</p>
	<p>External fundraising groups mentioned challenges (e.g., recruiting and retaining more culturally and linguistically diverse families or those new to the school) and limiting the type of and frequency of fundraising efforts) that contributed to raising less money than previous years.</p>
	<p>On top of the pandemic, some stakeholders reported that the implementation of the district's Comprehensive District Design (CDD) created different challenges (e.g., schools saw their school population change), which impacted fundraising efforts. Some schools saw their population change.</p>

EDIA Committee Recommendations

1. **Continue Federal, state, and local advocacy** for increased funding for public education, that meets the rising costs of inflation, so that external fundraising is not necessary for schools to sufficiently meet the needs of students, families, and staff.
2. **Clearly communicate the District's vision for external fundraising** (ex: should all elementary schools have PTOs and all secondary schools have booster clubs) and establish foundations at all specialty high schools.
3. **Explore successful models** for a centralized PTO system.
4. **Encourage greater transparency and accountability** for school leadership and site councils for budgeting and reporting of external funds.
5. **Create an equitable fundraising guide** for use by external fundraising groups. Provide training so that school leaders, site councils, and school community members can apply an equity lens to their fund development and use.
6. **Provide resources and administrative support for school-specific fundraising.** These resources should be equitably distributed so that schools that do not have robust or active external fundraising practices can be most supported.

Draft Action Plan

EDIA Finding	Draft Action Plan
District fundraising policy has limitations	Explore the District's vision for external fundraising
Limited information and oversight	Explore budgeting and reporting options of external fundraising funds
Lack of a systemic way to report and share information	Explore budgeting and reporting options of external funds
Not all schools have an external fundraising group	Explore opportunities for collaboration and networking among external fundraising groups across different schools
Fundraising practices varied across groups	Create an equitable fundraising guide for use by external fundraising groups
Fundraising decisions vary across schools and external fundraising groups	Create an equitable fundraising guide for use by external fundraising groups
Schools using MPS – specific fund accounts experienced some challenges with the reimbursement process	Offer training and guidance on district policies related to fund development and use
The pandemic and Comprehensive District Design changes added layers of challenges to school fundraising efforts	Explore opportunities for collaboration and networking among external fundraising groups across different schools

APPENDIX

School Fundraising EDIA

Examine school-based fundraising policies and practices, the district's infrastructure for gathering information on school fundraising, and the current state of school fundraising in MPS.

Overarching Evaluation Questions	Evaluation Sub-Questions
<p>What is the current state of school fundraising?</p>	Who are the school fundraising groups leading fundraising efforts at schools?
	What types of fundraising activities exist?
	To what extent does MPS have control over school fundraising activities and/or the use of funds that are raised?
	What is the fundraising reporting process?
	How does the amount of fundraising dollars vary across schools?
<p>To what extent are funds raised and received from external sources (i.e., parent, alumni, or external fundraising groups) used equitably?</p>	To what extent are fundraising groups following MPS' school fundraising related policies?
	How are decisions made regarding where money will be spent?
	How is school fundraising money transferred to schools' budgets?
	How does the use of funds vary by school?

School Fundraising: MPS Policies + Regulations

- **Policy 5540: Fundraising**

- Regulation 5540A: Fundraising Limitations And Procedures
- Regulation 5540B: Sale Of Tickets

- **Policy 3280: Gifts, Bequests And Grants**

- Regulation 3280A: Accepting Gifts, Bequests Or Grants

- **Policy 1720: External Funds**

- Regulation 1720A: Administration Of External Funds

Systemic Level

Sub-Finding	Summary	Supporting Data
District fundraising policy has limitations	MPS fundraising policies are only applicable to school- and district-sponsored fundraisers.	<p><i>“The key is accepting the dollars. It can sit in a PTA account and that’s separate from a school account. If it’s transferred to a school, that’s where the principal has discretion and control. Otherwise, the PTA has control over the funds.”</i></p> <p>- Associate Superintendent</p>
	The district’s parameters and practices around accepting funds raised by individuals, external groups, or third-party organizations have become more stringent.	<p><i>“Primarily what has been of interest to my principals would be to hire staff. I’ve held the line that they can’t do that because it goes against policy.”</i></p> <p>- Associate Superintendent</p>

Systemic Level

Sub-Finding	Summary	Supporting Data
<p>Limited information and oversight</p>	<p>The district does not have oversight over these external entities.</p>	<p><i>“[Finance] provides guidance on what’s acceptable for online giving platforms, [but] a lot of it happens outside of our [MPS] jurisdiction. We don’t have any right to say what a PTO/PTA is doing or how they are spending their money.”</i></p> <p>– MPS Finance staff</p>
	<p>MPS has limited access to fundraising information sponsored or held by individuals.</p>	
	<p>MPS is unable to report the extent to which the amount of funds raised varied across schools without a comprehensive understanding of the amount of funds that are raised and used to support schools outside of the district’s budget allocations, or what those funds are being spent on.</p>	

Systemic Level

Sub-Finding	Summary	Supporting Data
<p>Lack of a systemic way to report and share information</p>	<p>A comprehensive list of external fundraising groups and third party organizations does not exist.</p>	<p><i>“[We] have a newsletter every week, take meeting minutes every week, post meeting minutes to the community, publicize the fundraising calendar and PTA agenda every month, and share a list of grants for every school year. [We] have a website -it’s out of date because the district changed websites and we lost information -[and we] have a Facebook page where we post information.”</i></p> <p style="text-align: right;">- External Fundraising Group</p> <p>ARE evaluators were able to collect 29 external fundraising groups’ contact information which came from a number of sources.</p> <ul style="list-style-type: none"> • 45% were collected from the school leaders via the school leader survey.
	<p>External entities are not required to report any information.</p>	
	<p>To understand the full picture around school fundraising and if it is equitable across schools, more information is needed.</p>	

School Fundraising Practices

Sub-Finding	Summary	Supporting Data
<p>Not all schools have an external fundraising group</p>	<p>School leaders, external fundraising groups, Finance staff, and Associate Superintendents also reported that fundraising activities varied from school to school and ranged from small to large efforts.</p>	<ul style="list-style-type: none"> Elementary schools in the South, Southwest, and Washburn high school attendance areas were more likely to report having an external fundraising group, particularly a Parent Teacher Association or Parent Teacher Organization, than elementary schools in other high school attendance areas. Secondary schools who reported having an external fundraising group were more likely to have either a School Booster Club or School Foundation. More than a third (31%) of school leaders reported they do not have an external fundraising group, while 69% reported having an external fundraising group.
	<p>Some external fundraising groups feel that their school does not receive supplemental funding, so they fundraise to maintain what they see as a base level of programming or staffing.</p>	
	<p>Fewer school leaders in the Henry, South, and Magnet/Citywide high school attendance areas reported that they have an external fundraising group compared to school leaders in other high school attendance areas.</p>	

School Fundraising Practices

Sub-Finding	Summary	Supporting Data
<p>Fundraising practices varied across groups</p>	<p>Schools with external fundraising groups generally felt they were spending funds equitably and addressing school needs.</p>	<p><i>“I think our biggest challenge has been that idea of what's equitable even within the school and then within the Minneapolis community.”</i></p> <p>– External Fundraising Group</p> <p>Among the 55 school leaders who completed the school leader survey, most perceive that funds are spent equitably at the school, however, two disagreed.</p>
	<p>Most school leaders felt funds were being spent equitably at their school, while some external fundraising groups wondered how they could spend funds more equitably.</p>	
	<p>Both external fundraising groups and school leaders reported that funds raised are generally spent on supporting a school need; that is, providing additional support (e.g, supplies, staffing, curriculum resources), hosting events to build community, showing staff and family appreciation, and more.</p>	

School Fundraising Practices

Sub-Finding	Summary	Supporting Data
<p>Fundraising decisions vary across schools and external fundraising groups</p>	<p>Though relationships between external fundraising groups and school leaders vary from school to school, they are generally positive. Most external fundraising groups reported that they have regular communication with school leaders.</p>	<p><i>"I don't have [a relationship with district leaders/staff]... I have not felt the need to include them or that it's the principal's job. The highest level for us is the principal and if [they] needs to take it anywhere else, it's up to [them]."</i></p> <p>- External Fundraising Group</p> <p><i>"The diversity of our community shifted a ton this year. We want to figure out how to make that more inclusive."</i></p> <p>- External Fundraising Group</p>
	<p>Most external fundraising groups reported involving the principal either formally or informally in decision-making. Some external fundraising groups shared that they would also like to have more involvement from parents and the community in their decision-making process.</p>	
	<p>While MPS cannot provide any oversight over external entities, school leaders and external fundraising groups generally feel that school leaders have influence over or can provide input on fundraising decisions (e.g., on what types of activities to put on, approving school space for events, advising on school needs and where funds could be directed) at their site.</p>	
	<p>Most school leaders are aware of the fundraising activities or projects happening at their school even if they are not involved or have little influence in the external fundraising group decision-making process.</p>	

Stakeholder Experiences

Sub-Finding	Summary	Supporting Data
<p>Schools using MPS-specific fund accounts experienced some challenges with the reimbursement process</p>	<p>Schools have access to MPS specific fund accounts (i.e., Achieve account, student activity account, athletic project account, and school generated project account), which are fund accounts for school-related activities outside of the classroom and generally used for school sponsored fundraising activities.</p> <p>Although schools have more flexibility in how to spend funds routed through their Achieve account, both school leaders and external fundraising groups mentioned that the reimbursement process can be a barrier or create challenges for the school and for the group.</p>	<p>“Achieve itself... it's a little bit hard to navigate. How do you tell from their website what some of the biggest needs in the districts are and how you could help to fund that?...They have this form ‘give to MPS’ but there's no information about what your possibilities are or what the highest needs are.”</p> <p>- External Fundraising Group</p> <p>AchieveMpls can hold funds without an admin fee via an AchieveMpls fund account. There are less restrictions around how the funds can be spent and it operates as a reimbursement process.</p>

Stakeholder Experiences

Sub-Finding	Summary	Supporting Data
<p>The pandemic and Comprehensive District Design changes added layers of challenges to school fundraising efforts</p>	<p>All stakeholders, including school leaders, external fundraising groups, MPS Finance, and the Associates, reported that the pandemic had a significant impact on schools.</p>	<p><i>“I’m hopeful with the return of some in-person events we can reach some new people. It’s harder with COVID and not being able to meet people in person and harder to connect with other parents if they’re not on Facebook.”</i></p> <p>– External Fundraising Group</p>
	<p>External fundraising groups mentioned challenges connecting and engaging families, including recruiting and retaining families on external group boards, reaching out to more culturally and linguistically diverse families or those new to the school, restricting and limiting the type of and frequency of fundraising efforts, therefore, raising less money than previous years.</p>	
	<p>On top of the pandemic, some stakeholders report that the implementation of the district’s Comprehensive District Design (CDD) created different challenges, which also impacted fundraising efforts. Some schools saw their population change (e.g., lost some families and gained new families to the school community, saw a decrease in student population, and/or had a new principal).</p>	

EDIA Committee Letter

To: Minneapolis Public Schools Superintendent Graff and Board of Education

From: The Equity and Diversity Impact Assessment (EDIA) Committee

Date: March 1, 2022

Dear Superintendent Graff and Members of the Minneapolis Public Schools Board of Education,

We are writing to you during a critical moment for the students, families, educators, and staff of Minneapolis Public Schools.

As we are writing this letter, we grieve the loss of Deshaun Hill due to gun violence and honor the life of Amir Locke killed by the Minneapolis Police Department. We are holding and recognizing the impact of a second year of the COVID-19 pandemic on students, educators, and faculty, which has disproportionately impacted communities and people of color.

The EDIA committee and MPS staff have spent the past 8 months evaluating external fundraising per the directive from the Superintendent and school board. Amidst the wide range of issues our students and families are facing this year - from the shortages of bus drivers & services, impact of the Comprehensive District Design, potential teacher strike, virtual learning, and a declared national emergency for child and adolescent mental health - we are disappointed that external fundraising is the issue that the Board has asked this committee to evaluate for several reasons:

- Fundraising as a larger concept has inherent inequities, rooted in power, wealth, and resource access and distribution. Addressing these issues is outside of the scope of the mission of Minneapolis Public Schools.
- Nonprofits are highly regulated and must follow strict guidelines and use money as intended by their donors. The EDIA committee has found that the Minneapolis Public Schools has neither power nor authority over donations to a particular 501c3 organization (such as a PTO).
- Additionally, inadequate funding of schools is at the core of why external fundraising happens. Addressing the problems related to external fundraising does not address the root of the issue.

EDIA Committee Letter

For these reasons and others, conducting an Equity and Diversity Impact Assessment that produced meaningful recommendations for policy and practice change was challenging and misguided. Additional information from the Superintendent and Board regarding your vision for equitable external fundraising would have been beneficial to inform our analysis.

The full findings of the EDIA can be found in the accompanying report. Below are our core recommendations, based on feedback from stakeholders and conversations of the EDIA committee:

1. Continue Federal, state, and local advocacy for increased funding for public education, that meets the rising costs of inflation, so that external fundraising is not necessary for schools to sufficiently meet the needs of students, families, and staff.
2. Clearly communicate the District's vision for external fundraising (ex: should all elementary schools have PTOs and all secondary schools have booster clubs) and establish foundations at all specialty high schools.
3. Provide resources and administrative support for school-specific fundraising. These resources should be equitably distributed so that schools that do not have robust or active external fundraising practices can be most supported. Examples of resources include:
 - a. Grant identification and grant writing support;
 - b. Assistance with federal and state reporting (for 501c3 nonprofit organizations);
 - c. Fiscal sponsorship and/or organizational development support for schools and fundraising groups that do not have associated 501c3 nonprofit organizations;
 - d. Training and guidance on district policies related to fund development and use;
 - e. Training and guidance on best practices related to fund development and use, with a particular focus on equitable fund development and use;
 - f. Strategic planning (ex: mission statements, goals) support for fundraising groups through an equity lens and that both aligns with the district's equity goals and supports equitable fund development and distribution practices; and
 - g. Opportunities for collaboration and networking among fundraising groups.

EDIA Committee Letter

4. Explore successful models for a centralized PTO system.
5. Encourage greater transparency and accountability for school leadership and site councils for budgeting and reporting of external funds.
6. Create an equitable fundraising guide for use by external fundraising groups. Provide training so that school leaders, site councils, and school community members can apply an equity lens to their fund development and use.

In solidarity,

EDIA Committee

Candace Miller Lopez, Parent

Joe Beaulieu, Executive Director at Little Earth Resident Association

Joseph C. Rice

Kelly Drummer, President MIGIZI

Lisa Dornacker, AchieveMpls CCC Coordinator

Logan Sand

Malaika Eban, Director of Community Strategy Legal Rights Center

Nonoko Sato, executive director, Minnesota Council of Nonprofits and Parent

Rebecca Slaby, MPS parent, Executive Director of AMAZEworks

Required Policy Review Schedule

Item Type	Number	Title (hyperlink to item)	Review Frequency	Committee Meeting Review Month	Last Review Date	Next Review Year	Primary Responsible Division
Policy	3500	Records Retention	Every 5 years	May	6/1/2021	2026	Board Office
Policy	3548	Bus Safety	3 year cycle	February	4/26/2022	2023	Operations
Policy	3700	Fund Balance	"No more than annual"	May	5/24/2022	2023	Finance
Policy	4002	Harassment And Violence Prohibition Protected Classes	Annual	September	9/28/2021	2022	General Counsel
Policy	4016	Family Medical Leave Act	Annual	May	5/24/2022	2023	Human Resources
Policy	5200	Behavior Standards And Code Of Conduct	Annual	August		2022	Accountability, Research, Equity
Policy	5201	Bullying And Hazing Prohibition	Annual	August		2022	Accountability, Research, Equity
Policy	5210	Student Personal Electronic Devices	Annual	October	11/23/2021	2022	Information Technology Services
Policy	5635	Reporting Maltreatment Of Minors And Vulnerable Adults	Annual	March	5/24/2022	2023	Special Education and Specialized Services
Policy	5050	Title IX Non-Discrimination	Annual	September	9/28/2021	2022	General Counsel
Policy	6415	Internet And Educational Network Use	Annual	October	11/23/2021	2022	Information Technology Services
Policy	6680	Safety, Security And Emergency Management	Annual	November	11/23/2021	2022	Operations
Policy	6690	Wellness Policy	No less than every 3 years	February	4/26/2022	2023	Operations
Policy	8505	Director Travel	Annual	January	4/26/2022	2023	Board Office

SECTION 1:AMENDMENT “Policy 4016: Family Medical Leave Act” of the Minneapolis Public Schools Policies & Regulations is hereby *amended* as follows:

AMENDMENT

Policy 4016: Family Medical Leave Act

1. PURPOSE

~~The purpose of this policy is to inform the school community and the general public of the position of the School Board on providing family and medical leave in compliance with the Family and Medical Leave Act.~~ The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with parenting leave under state law.

2. GENERAL STATEMENT OF POLICY

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

3. DEFINITIONS

a. “Covered active duty” means:

- i. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- ii. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 United States Code section 101(a)(13)(B).

b. “Covered servicemember” means:

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

c. “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately

preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless: (1) the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation; or (2) a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

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

military member's child;

- iv. to address financial and legal arrangements for a covered military member;
- v. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
- vi. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
- vii. to attend post-deployment activities related to a covered military member;
- viii. to address care needs of a covered military member's parent who is incapable of self-care; and
- ix. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

h. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- i. inpatient care in a hospital, hospice, or residential medical care facility; or
- ii. continuing treatment by a health care provider.

i. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

j. "Veteran" has the meaning given in 38 United States Code section 101.

4. LEAVE ENTITLEMENT

a. Twelve-week Leave under Federal Law

i. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:

- (1) birth of the employee's child and to care for such child;
- (2) placement of an adopted or foster child with the employee;
- (3) to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- (4) the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
- (5) any qualifying exigency arising from the employee's spouse,

- son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
- ii. For the purposes of this policy, “year” is defined as a rolling 12-month period measured backward from the date an employee’s leave is to commence.
 - iii. An employee’s entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
 - iv. A “serious health condition” typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
 - v. A “serious injury or illness,” in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
 - (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; or
 - (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - (3) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
 - vi. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee’s own serious health condition; or pursuant to Paragraph 4.A.i.5. above.

- vii. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
- viii. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
- ix. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
- x. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph 4.A.i.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.
- xi. The school district may require that a request for leave under Paragraph 4.A.i.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.

- xii. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.
- xiii. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

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

- xiv. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

b. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs 4.A.i.1. or 4.A.i.2. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed to by the school district. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the school district so that the total leave does not exceed 12 weeks, unless agreed to by the school district, or leave taken for the same purpose under the

FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the school district reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

c. Twenty-six-week Servicemember Family Military Leave

- i. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
- ii. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs 4.A. and 4.C. above.
- iii. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
- iv. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
- v. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
- vi. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
- vii. The provisions of Paragraphs 4.A.vii., 4.A.ix., 4.A.xii., 4.A.xiii., and 4.A.xiv. above shall apply to leaves under this section.

5. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- a. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- b. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the workdays in the leave period may be required to:
 - i. take leave for the entire period or periods of the planned medical treatment; or
 - ii. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- c. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
 - i. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
 - ii. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
 - iii. If the school district requires an instructional employee to extend leave through the end of a semester as set forth in this paragraph, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the school district to the end of the school term is not counted as FMLA leave but as an unpaid or paid leave, to the extent the instructional employee has accrued paid leave available and the school district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the conclusion of the leave.

6. OTHER

- a. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the

FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

- b. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

7. DISSEMINATION OF POLICY

- a. A poster prepared by the U.S. Department of Labor summarizing the major provisions of the Family and Medical Leave Act and informing employees how to file a complaint shall be conspicuously posted in each school district building in areas accessible to employees and applicants for employment.

- b. This policy will be reviewed at least annually for compliance with state and federal law.

- c. ~~It is the policy of the Minneapolis Public Schools to provide up to twelve weeks of family and medical leave per calendar year to eligible employees in compliance with the Family and Medical Leave Act. Employees may use paid sick leave for this purpose, at the option of the employee, when usage of the sick leave is in accordance with the provisions of any applicable collective bargaining agreement. The employee may use accrued vacation or personal leave at the employee's option, when usage of the vacation or personal leave is in accordance with the provisions of any applicable collective bargaining agreement. Otherwise, such leave is unpaid leave. All leave requested under this policy will conform to guidelines established by the Human Resources Department.~~

Original Adoption:

03/28/2000

Legal References:

- ~~Family and Medical Leave Act (29 U.S.C. 2611 et seq)~~
- To be updated upon passage