



FOREST LAKE AREA SCHOOLS
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Special Education..... Kelly J. Lessman
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September 4, 2015

TO: Carol Geiger
Julie Greiman
Dan Kieger
Kelly Lessman
Heidi Link
Kathy McMorrow
Jill Olson
Ron Reed
New Student Rep
Kathryn Ungerecht

FROM: Donna M. Friedmann *DMF*
Director of Administration & Human Resources

SUBJ: POLICY COMMITTEE MEETING

The next meeting of the Policy Committee will be held promptly at 7:00 p.m. on Thursday, September 10, 2015, in the boardroom at the district office. The agenda for this meeting is enclosed. Please contact me at (651) 982-8123 if you are unable to attend this meeting.

DMF/kk

INDEPENDENT SCHOOL DISTRICT NO. 831
Forest Lake, Minnesota 55025

Policy Committee Meeting
September 10, 2015 – 7:00 p.m. – District Office Boardroom

AGENDA

1. Field Trips and Extended Travel Policy 606 – per Donna M. Friedmann
 2. Workload Limits for Certain Special Education Teachers – New MSBA Policy
 3. Family & Medical Leave Policy 428 (Annual Review – Changes from MSBA)
 4. Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (Annual Review – MSBA last revised in 2009)
 5. Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (Annual Review – MSBA last revised in 2013)
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6. Consideration of Other Policies to be Scheduled for Review
 7. Other Matters
 8. Annual/Requested Policy Reviews
 - Wellness Policy 546 (October 2015)
 - Student Sex Nondiscrimination Policy 421 (October 2015)
 - Technology Acceptable Use and Safety Policy 540 (November 2015)
 - School Board Member Reimbursement Guidelines Policy 103A (December 2015)
 - Out-of-State Travel by School Board Members Policy 103B (December 2015)
 - Anti-Bullying Policy 541 (January 2016)
 - Student Transportation Safety Policy 531 (January 2016)
 - Crisis Management Policy 538 (February 2016)
 - Discipline Policy 515 (February 2016)
 - Harassment and Violence Policy 425 (March 2016)
 - Family & Medical Leave Policy 428 (September 2016)
 - Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (September 2016)
 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (September 2016)
 9. Future Policy Review
 - Naming of School Buildings or Portions Thereof Such as Naming a Gymnasium
 - Random Drug Testing
 10. Policies at School Board for Action:
 - Special Education Records and Records Retention Policy 505A – Pending MN Historical Society Review
 - Teacher Facilities Policy 405 – approved 6/4/15
 - Consider Discontinuance of Staff Meetings Policy 410 – approved 6/4/15
 - Administering Medication Policy 528 – approved 6/4/15

FIELD TRIPS AND ~~EXTENDED~~ STUDENT TRAVEL

I. PURPOSE

The purpose of this policy is to identify the requirements surrounding a school-sponsored trip and outline the general processes to be followed for consideration and approval of trip requests.

II. GENERAL STATEMENT OF POLICY

It is the general expectation of the school board that all student trips will be well-planned, conducted in an orderly manner, and held in safe environments. It is recognized that field trips may afford invaluable learning and life experiences for students. Such trips are encouraged to be relevant to the students' academic or extracurricular activity experiences.

III. DEFINITIONS

- A. A 'Field Trip' is defined as a school-sponsored experience for a class or group of students that involves participants leaving the premises of their normal school building(s). It does not include regularly scheduled transition between school buildings for normal activities.
- B. Types of Field Trips:
1. Curricular: a field trip that is a required part of any class' required curriculum. ~~Even though the field trip is a required part of the curriculum, students whose parents object to their student's participation in the field trip may meet the class requirements through alternate assignment.~~
 2. Academic Supplementary: a field trip of a single day or multiple days involving overnight stay designed to enhance students' academic experiences. This type of field trip would most typically encompass a class or grade level's travel to an experience such as an arts performance, nature center, governmental body, museum or cultural event. It is expected that these types of trips will be minimal and occur predominantly outside of the school day.
 3. Competitive Co-Curricular or Activity: a field trip that affords a sports team or group of activity participants to travel to a location where a meet, game, match, or other competitive event is being held.

4. ~~Life Enhancement: a field trip whose predominant purpose is enjoyment and life enrichment for participants. This type of field trip would most typically encompass travel to: observations of professional or school-based sporting events; amusement parks; recreation areas such as skiing centers or roller rinks; or parks where the academic value is nominal or incidental to the primary recreational nature of the event.~~
- C. Extended Travel: destination is located more than 100 miles from the point of origin of the field trip and/or involves participants having an overnight stay irrespective of distance to the destination.
- D. International Travel: destination is located outside of the contiguous 48 states.

IV. PROCEDURES

- A. All field trips must have an identified organizer in charge of the planning and execution of the activity. More than one person may serve as organizer but all must be clearly identified and agree to organizer status.
- B. Fees:
 1. No fees may be charged for a Curricular field trip.
 2. Separate fees are not generally charged for Competitive Co-Curricular or Activity trips. Rather, fees for such trips are anticipated to be covered by any normal activity participation fees. However, it is recognized that, occasionally, unexpected supplementary opportunities may arise that the coach / advisor, together with the Activities Director, deem desirable for team or group participation. In such a case, reasonable fees to cover the unexpected additional cost may be charged to participants. No group or team member shall be penalized in any fashion for not participating in such a supplementary opportunity. The phrase "supplementary opportunity" does not apply to post-season playoffs, championships, or similar types of opportunities, unless such opportunities require Extended Travel or International Travel.
 3. Reasonable fees may be charged to cover transportation, entrance, or similar expenses for Academic Supplementary field trips. Each building principal will encourage the building Parent Teacher Organization (PTO) to consider the possibility of creating a fund to assist students in need with fees for such field trips. In NO event will any such student in need be personally identified to any member of the PTO. Irrespective of the availability of PTO assistance funds, no student currently identified as being eligible for free or reduced price lunch will be denied the opportunity to participate in an Academic Supplementary trip due to inability to pay fees.

4. ~~Reasonable fees will be charged to cover transportation, entrance, or similar expenses for Life Enhancement field trips. If available, PTO assistance funds may be accepted to assist students in need with fees for such field trips. In NO event will any such student in need be personally identified to any member of the PTO. If a Life Enhancement field trip is being offered to an entire class or grade level at a building as the standard activity for the school day(s), no student currently identified as being eligible for free or reduced price lunch will be denied the opportunity to participate in the field trip due to inability to pay fees.~~
 5. ~~—All fees gathered for field trips will be appropriately accounted for by the organizer and handled according to standard district practices. This includes appropriate documentation of receipt of fees being provided to each student as those fees are received.~~
- C. All Competitive Co-Curricular or Activity trips must be approved in advance by the Activities Director. Extended Travel must be approved, according to the attached form, by the Superintendent at least one month prior to the field trip. International Travel must be approved, according to the attached form, by the Superintendent at least six months prior to the field trip. All other types of field trips must be approved in advance by the building Principal. Either the Activities Director, building Principal or Assistant Principal, as appropriate, will be responsible for ensuring that necessary communication has occurred with the district's transportation department.
- D. The district's transportation department will be presumed to be the provider of transportation unless: 1) the department is unable to provide transportation at the appropriate times; 2) the field trip requires International Travel; 3) the team or group will provide their own or parent-supplied transportation; or 4) other circumstances exist that make selection of an alternative mode of transportation desirable, subject to the approval of the Director of Business Services. In no event will students be transported by staff in their staff personal vehicles unless the requirements of the Transportation Policy # ### are met.
- E. ~~Extended Travel must be approved by the Superintendent at least one month prior to the field trip. International Travel must be approved by the Superintendent at least six months prior to the field trip.~~
- F. Each student participant must have permission from a parent / guardian to participate in any field trip. This includes field trips to another in-district school building.
- F. The following provisions will be in place for any Extended Travel or International Travel:
1. Any contract with an outside company to manage the travel must be reviewed by the school board's attorney prior to entering into the contract.
 2. The trip organizer and the responsible administrator will assess the district's and/or tour provider's liability coverage for adequacy.

3. Information will be provided to students and chaperones clearly identifying what fees are refundable and under what circumstances.
 4. The trip organizer will consider safety or security risks at the destination, and will consult U.S. State Department advisories for all destinations outside of the United States.
 5. There will be a risk / crisis management plan in place for the trip. The plan will address all of the following areas and others as identified as necessary: Student injury; one or more students becoming separated from the group; plans for emergency evacuation of one or more group members.
 6. Any trip outside of the United States will be registered with the local U.S. Embassy.
 7. Students and chaperones must provide appropriate medical disclosures and releases. These documents must be reviewed by the school board's attorney.
 8. There will be at least one in-person mandatory informational meeting with students, parents and chaperones to cover information related to the trip, including expectations around standards of conduct.
- G. The standard minimum expectation for chaperones for field trips is at least one adult to each 15 students. A higher number of students to each adult may be considered based upon the age and maturity of the students and the nature of the activity involved and must be approved in writing by the building Principal or Activities Director. A larger number of chaperones may be required based upon the age and maturity of students. Field trips involving students in grades K-2 will generally require a standard minimum expectation of at least one adult chaperone for every 8 students. When a field trip involves Extended Travel or International Travel, or if the trip so requires due to particular circumstances, the trip organizer will ensure appropriate ratios of chaperones, taking gender of participants into account. All chaperones who are not district employees must sign a copy of the Chaperone Guidelines, attached to this Policy, which will be held in the school office.
- H. For trips that require more than three chaperones, a minimum of 25% of the chaperones will be regularly-employed school district employees. Exceptions may be made at the discretion of the Principal or Activities Director if a large number of chaperones are involved. All school district expectations of employees shall apply at all times to all employees who are serving as chaperones. Volunteer chaperones must sign an agreement outlining expectations of behavior and consequences of not meeting those expectations. No adults will participate in the transportation or other activities involved with any field trip unless that adult is identified as a chaperone for the field trip.
- I. The field trip organizer shall carry appropriate student emergency health and contact information for all participating students.

- J. The student code of conduct applies in all respects at all times to students participating in field trips, as do all usual employee expectations, and local laws of any destination.
- K. The Superintendent has the discretion to cancel any field trip at any time if s/he determines that proceeding with the field trip may unduly jeopardize students' health or safety. In such a case, the school district will attempt to facilitate return of any previously-paid fees, but the school district is not responsible for reimbursing any fees to students or chaperones when those fees have already been paid to other organizations related to the trip. Students or chaperones participating in any activity involving substantial pre-payment of fees are encouraged to seek a reputable travel insurance policy.
- L. Any employee who organizes a trip with district students must clearly identify whether the trip is school-sponsored or not. To be a school-sponsored trip, all approval and other procedures in this policy must be followed.

Legal References:

Minn. Stat. §123B.37 (Prohibited Fees)

Minn. Stat. §123B.36 (Authorized Fees)

Attachments:

- A. Chaperone Guidelines
- B. Extended/Overnight Activity Request
- C. Activities Requiring International Travel - Part A
- D. Activities Requiring International Travel - Part B

ADOPTED: 09/20/76

REVISED: 05/30/13

Attachment A to Policy 606

Chaperone Guidelines

Thank you for volunteering to chaperone our trip. Below you will find our chaperone expectations and a place for you to sign to indicate your agreement to adhere to these expectations.

These guidelines apply to chaperones who are selected to attend:

- day off-campus field trips/activities.
- overnight off-campus field trips/activities.
- overnight on-campus field trips/activities.

Chaperones will:

- be adult members of a student's family or the student's personal care attendant.
- not bring other children on the trip.
- complete a criminal background check.

Chaperones must:

- set a good example for students.
- insist upon good behavior from the students in the group by maintaining a respectful dialogue with students and reiterating the rules of acceptable behavior.
- refer students to a teacher if behavior problems persist.
- be attentive to the needs of the students and understand they are the students' primary adult contact.
- advise the teacher if a student requests medication for any reason. Only authorized staff can administer medication of any kind.
- follow the directions and guidelines of the teacher in charge of the trip.
- abstain from all tobacco products, alcohol, illegal or synthetic drugs, profanity, and verbal and physical abuse during the trip. This includes both on and off the premises where the students are located.
- respect the privacy and confidentiality of all students and adults on the trip.
- limit cell phone use to calls that are of an urgent nature. Talking on your cell phone detracts from your ability to fulfill your duties as a chaperone.
- remain with their assigned group at all times during activities.

- be willing / able to intervene with student issues / needs at all times.
- assist with room monitoring at night.

Other expectations:

- In most circumstances, the chaperone will not be alone with a student.
- During an overnight trip, the chaperone shall not:
 - use the showers when students are using them.
 - be the only adult present in a room where children are sleeping.
- When doing bed checks or when children are sleeping, female chaperones shall only supervise female students and male chaperones shall only supervise male students.
- Exceptions may be granted regarding these expectations by the building principal.

Parents will be informed of the exceptions.

If there is any suspicion, or if you are found with alcohol, tobacco, illicit or synthetic drugs during our trip, the following will occur: you will be required to leave the premises, ~~be driven to the nearest hotel accommodations,~~ and be expected to pay for your own lodging and transportation home. Failure to abide by any of the other expectations will meet with consequences appropriate to the circumstance, ranging from a request to discontinue the behavior to being required to leave the group, as indicated above. Law enforcement officials may be notified if appropriate. If you are required to leave, there will be no refund of any payment you may have made.

I, _____, agree to follow the above expectations

(print name)

as part of my role as chaperone for the field trip experience. I understand that failure to sign this contract will lead to the loss of my role as chaperone for the trip.

Signature _____

Date _____

Attachment B to Policy 606

**Forest Lake Area School District
Extended/Overnight Activity Request
For Domestic Travel in Contiguous 48 States**

Please contact the Supervisor of Accounting for airfare and hotel payment requests.

This request must be submitted to the responsible principal not less than one month prior to the proposed trip or activity.

Activity/Team Making This Request and Advisor or Coach _____

Trip Start Date: _____, 20____
Month Day

Trip End Date: _____, 20____
Month Day

For a total of _____ night(s). Return time: _____

Destination: _____
City or Town, State

Specific Location and Phone Number

Purpose or Need for the Overnight:

Number of Female Students: _____

Number of Male Students: _____

Number of Female Chaperones: _____

Number of Male Chaperones: _____

Chaperone Guidelines signed and on file? _____

Number of Days the Students Will Miss School: _____

Number of Days the Teacher Is Absent _____

How Many Substitute Teachers Will Be Needed? _____ For How Many Days? _____

How Will The Group Be Transported? _____

Name of Company, Phone and Contact: _____

Activities Director or Principal Comments: _____

INITIAL REQUEST FOR APPROVAL

Teacher/Staff Signature: _____ Date: _____

AD's Signature: _____ Date: _____ Approved / Not Approved

Principal's Signature: _____ Date: _____ Approved / Not Approved

Superintendent's: _____ Date: _____ Approved / Not Approved

ITEMS TO BE COMPLETED AFTER INITIAL APPROVAL, TO GET FINAL APPROVAL: **Attachments:**

1. Trip Itinerary - Attach.
2. Plan For Supervision (how will students be monitored)? - Attach.
3. Attach list of students
4. Attach list of Chaperone Names and Cell Phone Numbers:

5. Lodging Information:

Name of Hotel: _____

Hotel Address: _____

Hotel Phone Number: _____

Contact Information: _____

Website: _____

6. Costs:

To Students:

Lodging: _____

Transportation: _____

Meals: _____

Other: _____

To Advisor:

Lodging: _____

Transportation: _____

Meals: _____

Substitutes: _____

Other: _____

To District:

Lodging: _____

Transportation: _____

Meals: _____

Substitutes: _____

Other: _____

FINAL APPROVAL

AD's Signature: _____

Date: _____

Principal's Signature: _____

Date: _____

Superintendent's Signature: _____

Date: _____

Attachment C to Policy 606

Procedures Related to Policy 606

Activities Requiring International Travel

(Travel Outside Contiguous 48 States)

When planning an activity which requires long distance, overnight travel and falls under policy 606, complete Part A of this form and submit it to the Superintendent as soon as plans are formulated but not yet finalized. Part A must be completed and submitted prior to final confirmation with a tour company, students, parents, and any other individual or organization associated with the activity. No money should be collected or paid prior to submission and approval of Part A. The Superintendent will review the request and make a decision regarding initial approval within two weeks.

PART A

1. Identify trip organizer(s):

For each trip organizer, please indicate: name; school(s) of assignment; grade level(s) / subject area(s) of assignment; item(s) or area(s) responsible for planning; specific benefit to this staff member's students or assignment area of participating in this trip. Please indicate the lead trip organizer. Chaperones who are directly involved with the planning of the activity and whose class or assignment will benefit from the activity will be provided substitutes for the days absent from school during the time of the activity. NOTE: It is expected that all named are proposed to participate in the trip. If this is not the case, please clearly indicate.

a.

b.

c.

d.

2. Is this trip being proposed in coordination with any other group, school or other entity (not referencing travel agency)? If yes, please identify the organization and the person responsible for trip organization.

3. Discuss the following information: Proposed destination; purpose and relevance to instructional activities; criteria for selecting students to participate; anticipated approximate number of student participants; anticipated number of needed chaperones; proposed location(s); proposed dates; estimated cost per student; nature of proposed transportation; known security, health or safety risks of the destination; proposed agency / company to organize the trip; prospective fund-raising events. Attach any information that will clarify or expand upon the above information.

4. Anticipated ratio of chaperones to students _____

5. Anticipated ratio of male chaperones to male students _____

6. Anticipated ratio of female chaperones to female students _____

7. If the number of chaperones needed is likely to exceed the number of trip organizer chaperones, where does the lead trip organizer anticipate being able to procure additional chaperones?

8. Will there be a travel agency or tour company responsible for the management of this trip? If yes, please identify. PLEASE NOTE THAT THE CONTRACT WITH THE COMPANY MUST BE REVIEWED BY THE SCHOOL BOARD'S ATTORNEY BEFORE SIGNING.

Signature of lead trip organizer _____

Date _____

Principal's signature _____

Date _____

The Superintendent will review the request and make a decision regarding initial approval within two weeks.

Approved _____ Not approved _____ Approved with revisions, as noted _____

Superintendent's Signature _____

Date _____

Attachment D to Policy 606

**Activities Requiring International Travel
(Travel Outside Contiguous 48 States)**

PART B

After Part A has been returned and the activity has been approved, Part B should be completed and returned to the Superintendent for final approval at least six months before the activity. The Superintendent will review the request and make a decision regarding final approval within two weeks.

After approval, if ANY of the information on this form changes, notice must be submitted in writing both to the responsible Principal as well as the Superintendent.

1. Identify trip organizer(s):

For each trip organizer, please indicate: name; school(s) of assignment; grade level(s) / subject area(s) of assignment; item(s) or area(s) responsible for planning; specific benefit to this staff member's students or assignment area of participating in this trip. Please indicate the lead trip organizer. Chaperones who are directly involved with the planning of the activity and whose class or assignment will benefit from the activity will be provided substitutes for the days absent from school during the time of the activity. NOTE: It is assumed that all named are proposed to participate in the trip. If this is not the case, please clearly indicate.

a.

b.

c.

d.

2. List the details of the activity including the following: destination; purpose and relevance to instructional activities; criteria for selecting students to participate; anticipated approximate number of student participants; anticipated number of needed chaperones; criteria for selecting chaperones; the agency / company that is organizing the activity; specific itinerary including mode of transportation to destination, locations to be visited, dates, modes of on-site transportation; cost per student based upon preliminary calculations of all itinerary items; contact people and local telephone numbers at the activity site; special needs/conditions or circumstances to consider; requirements and evaluations of students; expectations for student behavior and how expectations will be communicated to students; procedures to deal with student disciplinary issues; procedures for responding to unexpected student health issues or emergency developments; planned fund-raising events, other information as relevant to this request. Attach any information that will clarify or expand upon the information requested in this paragraph.

3. Other chaperones may be needed in addition to the trip organizers. If other chaperones are district employees, they can utilize personal days, comp time, vacation time, or unpaid leave during the time of the activity. List the other chaperones participating in this activity who are district employees, including their areas of assignment.

4. List any other chaperones who are not school district employees. Chaperones who are not district employees will require a criminal background check and a signed copy of the Chaperone Guidelines. If chaperones have had a criminal background check within the past year, another one is not required. Criminal background checks should be kept on file at the district office.

<u>Chaperone Name</u>	<u>CBC Complete?</u>	<u>Guidelines signed?</u>
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5. Ratio of chaperones to students _____

6. Ratio of male chaperones to male students _____

7. Ratio of female chaperones to female students _____

8. Describe, in detail, the supervision schedule for students.

9. Describe the time line and events of communication regarding this trip to students and parents. Include in the time line when payments will be due.

10. How and when was the liability coverage for the District and/or the tour operator assessed for adequacy?

11. When did the school board's attorney review the contract with the tour operator? Please attach documentation regarding this review.

12. Please attach a statement of the risk / crisis management plan, which must contain at least the following: safety or security risks at the destination; results of search of U.S. State Department advisories; plan to register the trip with the local U.S. Embassy; and emergency plans for student injury, one or more students becoming separated from the group, or unplanned evacuation of one or more group members.

Signature of lead trip organizer _____

Date _____

Principal's signature _____

Date _____

The Superintendent will review the request and make a decision regarding final approval within two weeks.

Approved _____ Not approved _____ Approved with revisions, as noted _____

Superintendent's Signature _____

Date _____

I. PURPOSE

The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services 60 percent or less of the instructional day.

II. DEFINITIONS

A. Special Education Staff; Special Education Teacher

“Special education staff” and “special education teacher” both mean a teacher employed by the school district who is licensed under the rules of the Minnesota Board of Teaching to instruct children with specific disabling conditions.

B. Direct Services

“Direct services” means special education services provided by a special education teacher when the services are related to instruction, including cooperative teaching.

C. Indirect Services

“Indirect services” means special education services provided by a special education teacher which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with children with disabilities to monitor and observe.

D. Workload

“Workload” means a special education teacher’s total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

III. GENERAL STATEMENT OF POLICY

A. Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the superintendent.

B. In determining workload limits for special education staff, the school district shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.

IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED

This policy shall not be construed as a reopening of negotiations between the school district and the special education teachers' exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the school district set forth in the Public Employers Labor Relations Act or in the collective bargaining agreement between the school district and the special education teachers' exclusive representative.

Legal References: Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)
Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions of "Direct Services," "Indirect Services," "Teacher," and "Workload")
Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School-Age Educational Service Alternatives)

Cross References: MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)
MSBA/MASA Model Policy 608 (Instructional Services – Special Education)

[Note: School districts are required by statute to have a policy addressing these issues.]

I. PURPOSE

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.

II. 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.

III. DEFINITIONS

A. “Covered active duty” means:

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

B. “Covered servicemember” means:

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

C. “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee’s pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee’s fulfillment of his or her ~~National Guard or Reserve military service obligation~~ USERRA-covered service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district’s intention to rehire the employee after the break in service.

D. “Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness.

Ð 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.

Ë E. “Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:

1. a military medical treatment facility as an outpatient; or
2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.

Ƒ G. “Qualifying exigency” means a situation where the eligible employee seeks leave

for one or more of the following reasons:

1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
2. to attend military events and related activities of a covered military member;
3. to address issues related to childcare and school activities of a covered military member's child;
4. to address financial and legal arrangements for a covered military member;
5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
6. to spend up to ~~five~~ fifteen (15) calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
7. to attend post-deployment activities related to a covered military member;
~~and~~
8. to address parental care needs; and
- 8 9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

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

1. inpatient care in a hospital, hospice, or residential medical care facility, or
2. continuing treatment by a health care provider.

H I. "Veteran" has the meaning given in 38 U.S.C. § 101.

IV. LEAVE ENTITLEMENT

A. Twelve-week Leave Twelve-Week Leave Under Federal Law

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

law:

- a. birth of the employee's child and to care for such child;
 - b. placement of an adopted or foster child with the employee;
 - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
 - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
2. Effective July 1, 2012 and for the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee's leave is to commence.
 3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
 4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
 5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
 - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
 - b. a "serious injury or illness," in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the

beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces) and that manifested itself before or after the member became a veteran, and is:-

- (i) 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
- (ii) 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
- (iii) 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
- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and/or 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 IV.A.1.e. above.
7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.

8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.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.
11. The school district may require that a request for leave under Paragraph IV.A.1.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.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.
13. The school district may request or require the employee to substitute

accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

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

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

B. Six-week Leave

Twelve-week Leave Under State Law

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

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

V. 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 work days in the leave period may be required to:
 - 1. take leave for the entire period or periods of the planned medical treatment; or
 - 2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.

- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
 - 1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
 - 2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
 - 3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school district may require the employee to continue taking leave until the end of the semester.

- D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

VI. 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.

VII. DISSEMINATION OF POLICY

- A. This policy shall be conspicuously posted in each school district building in areas accessible to employees.

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

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

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

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REVIEWED (NO CHANGES MADE): 11/6/14

[Note: This policy reflects the mandatory law regarding reporting maltreatment of vulnerable adults and is not discretionary in nature.]

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. It shall be a violation of this policy for any school personnel to fail to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. “Mandated Reporters” means any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- D. “Abuse” means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section

609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat § 626.5572, Subd. 2.

- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services at or from a licensed facility which serves adults as set forth in Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or home care provider service; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.
- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed

responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

- H. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement or other caretaking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the designated county entity.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data* as defined under Minn. Stat. § 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

VI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks where appropriate.
- B. The school district will develop a method of discussing this policy with employees where appropriate.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References: Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)
 Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
 Minn. Stat. §§ 609.221-609.224 (Assault)
 Minn. Stat. § 609.234 (Crimes Against the Person)
 Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
 Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
 Minn. Stat. § 609.341 (Definitions)
 Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
 Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
 Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References: MSBA/MASA Model Policy 103 (Complaints – Students)
 Policy 406 (Public and Private Personnel Data)
 Policy 522 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

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 REVIEWED – NO CHANGES: 11/7/13
 REVIEWED – NO CHANGES: 11/6/14

CONFIDENTIAL DATA

Maltreatment of Vulnerable Adults by School Personnel Reporting Form

Date Submitted _____ School District Name & Number _____
 School Name _____
 Address _____
 Principal _____
 School Phone Number (____) _____

REPORTER

Name _____ Title _____
 Address _____ City _____ State _____ Zip _____
 Phone Number (____) _____ (Reporter is confidential under Minn Stat. § 626.556)

ALLEGED VULNERABLE ADULT VICTIM

Name _____ DOB _____ Grade _____ Gender _____
 Special Education: Y/N Disability Category _____
 Address _____ City _____ State _____ Zip _____
 Phone Number (____) _____ Parent/Guardian _____

ALLEGED OFFENDER

Name _____ Title _____
 Address _____ City _____ State _____ Zip _____
 Home Phone Number (____) _____ Work Phone Number (____) _____

Type of Maltreatment _____
 Date of Incident _____ Time of Incident _____
 Location _____ County _____ City _____
 Witness _____ Phone Number(____) _____
 Witness _____ Phone Number(____) _____

Summary of Incident: (Attach additional sheets as needed.)

School Investigation Information Included: Yes _____ Date to be sent _____

Were Police Notified: Y/N Date _____ Police Department _____
 Contact Person _____ Phone Number (____) _____

Please Contact Washington County Social Services Division – Adult Protection Reporting at
651/430-6484

Maltreatment information is confidential data.

MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

522

[Note: This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.]

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually

abused, or has been neglected or physically or sexually abused within the preceding three years.

- E. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
 4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
 5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
 6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
 7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
 8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the

normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

- F. "Nonmaltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.67 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child especially under age three; (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child especially under age one on the face or head; (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or

punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (9) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- H. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.
- I. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- J. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- K. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- L. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental

rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- C. Regardless of whether a report is made, 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 has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.

- G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]

V. INVESTIGATION

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School 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.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials 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 property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to

determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.

- D. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials 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 the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks.
- B. The school district will annually discuss this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd.4, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
Minn. Stat. § 609.02, Subd.6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References: Policy 414 (Mandated Reporting of Maltreatment of Vulnerable Adults)

ADOPTED: 12/15/75
REVISED: 12/90
REVISED: 07/07/05
REVISED: 12/06/07
REVISED: 12/04/08
REVISED: 11/05/09
REVISED: 12/02/10
REVISED: 11/03/11
REVISED (CHANGES TO REPORTING FORM ONLY): 10/04/12
REVISED: 11/07/13
REVISED: 11/06/14

<i>Minnesota Department of Education staff use only</i>			
Intake Person	MDE File #	Investigator	Date Assigned
<input type="checkbox"/> No Maltreatment <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> I & R <input type="checkbox"/> Other (Please explain)			Date Reporter Notified: _____
PSN Date: _____		<input type="checkbox"/> Verbal <input type="checkbox"/> Written	_____ Verbal _____ Written (Attach written correspondence)

Date Submitted: _____ ISD#: _____ School District: _____
 School Name: _____ Program Name: _____
 Address: _____ City: _____ Zip: _____ Phone: _____
 Principal/Director: _____ Phone: _____ (Ext): _____
 Transportation Information, if necessary: Contact: _____ Phone: _____

REPORTER (name of person completing form) Reporter is confidential under Minnesota Statutes, section 626.556.

Name: _____ Title: _____ Phone: _____ Mandated Reporter: Yes ___ No ___
 Address: _____ City: _____ State: _____ Zip: _____

ALLEGED VICTIM (Complete one reporting form for each alleged victim)

Name: _____ DOB: _____ Grade: _____ Gender: Male ___ Female ___
 Special Education: Yes ___ No ___ Disability Description: _____ Ethnicity: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Parent/Guardian: _____ Phone: _____ Alternate Phone: _____

ALLEGED OFFENDER

Name: _____ Position: _____ DOB: _____ Gender: Male ___ Female ___
 Address: _____ City: _____ State: _____ Zip: _____
 Ethnicity: _____ Phone: _____ Alternate Phone: _____

INCIDENT

Date: _____ Time: _____ Location (i.e. - bus, classroom): _____
 Address (if different than school): _____ County: _____
Alleged Maltreatment: Physical Abuse ___ Sexual Abuse ___ Neglect ___ Unknown ___ **Injury:** Yes ___ No ___ Unknown ___

Description of Incident and Injury: (please attach additional page if needed).

Witness Contact Information: _____

Police Notified: Yes ___ No ___ Police Department: _____

Contact: _____ Phone: _____ Case No.: _____

Minnesota Department of Education
 Student Maltreatment Program
 1500 Highway 36 West, Roseville, MN 55113-4266
 651-582-8546 Fax: 651-797-1601
 Email: mde.student-maltreatment@state.mn.us