



## Memorandum

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January 14, 2011

TO: Mr. John Beckstrom  
Mr. Bill Bresin  
Mr. Joe Grafft  
Ms. Sarina Hannon  
Mr. Nick Jensen  
Mr. Eric Jordahl  
Dr. Ben Lewis  
Ms. Kathy McMorrow  
Ms. Karen Morehead  
Dr. Janet Palmer  
Ms. Deborah Wall  
Ms. Sandra Zarembinski

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 8:00 p.m. on Thursday, January 20, 2011, in the Board Room at the District Office. Policy Committee meeting dates have been moved from the second Thursday of the month to the third Thursday of the month. The agenda for this meeting is enclosed. Please contact me at 651/982-8123 if you are unable to attend this meeting.

DF/kk

cc: Linda Madsen, Superintendent  
Kathy Bystrom, School Board  
Dan Kieger, School Board  
Rob Rapheal, School Board  
Erin Turner, School Board  
Press

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*Inspire the learner; ignite the potential!*

Forest Lake Area Schools • Independent School District 831 • Equal Opportunity Employer

INDEPENDENT SCHOOL DISTRICT NO. 831  
Forest Lake, Minnesota 55025

*Policy Committee Meeting*  
*January 20, 2011 – 8:00 p.m. – District Office Board Room*

**AGENDA**

**We'll address as many of the agenda items as we can. At 8:40 pm we'll discuss the Community Use of School Facilities Policy. Copies of each item are included this time to accommodate the new members.**

1. School Board Member Reimbursement Guidelines Policy 103A – Annual Review – December Attachment
  2. Out-of-State Travel by School Board Members Policy 103B – Annual Review – December Attachment
  3. Student Sex Nondiscrimination Policy 421 – Annual Review – November Attachment
  4. Anti-Bullying Policy 541 – Annual Review – December Attachment
  5. Student Transportation Safety Policy 531 – Annual Review – November Attachment
  6. Technology Acceptable Use and Safety Policy 540 - Annual Review – November Attachment
  7. MSBA Model Policy 405 – Veteran's Preference – December Attachment
  8. Community Use of School Facilities Policy 701 – School Board sent back to Policy Committee
  9. Use of Student Records (Legislative Changes) – February 2010 Attachment – Extra copies will be available
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10. Wellness Policy 546 (Annual Review) – April Attachment – Pending Wellness Committee Input
  11. Consideration of Other Policies to be Scheduled for Review
  12. Other Matters
  13. Annual Policy Reviews
    - Crisis Management Policy 538 (~~January~~ February 2011)
    - School Discipline Policy 515 (March 2011)
    - Harassment and Violence Policy 425 (April 2011)
    - School Board Member Code of Ethics (April 2011)
    - Wellness Policy 546 (May 2011)
    - Family & Medical Leave Policy 428 (September 2011) – No legislative changes required in September 2010
    - Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (October 2011)
    - Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (October 2011)
    - Technology Acceptable Use and Safety Policy 540 (November 2011)
    - Student Sex Nondiscrimination Policy 421 (November 2011)
    - Student Transportation Safety Policy 531 (November 2011)
    - Anti-Bullying Policy 541 (December 2011)
    - School Board Member Reimbursement Guidelines Policy 103A (December 2011)
    - Out-of-State Travel by School Board Members Policy 103B (December 2011)
  14. Future Policy Review
    - Naming of School Buildings or Portions Thereof Such as Naming a Gymnasium
    - Random Drug Testing
    - Policy on Superintendent Contract Renewals – See Minnesota Statute 123B.143 (Review 90 day suggestion)
  15. Policies at School Board for Action
    - Community Use of School Facilities Policy 701 (Sent back to Policy Committee on 1/6/11)

**SCHOOL BOARD MEMBER**  
**REIMBURSEMENT GUIDELINES**  
**Attachment to Policy 103**

1. It shall be the practice of the School District to reimburse Board Members for expenses incurred in travel where such travel is to represent the School District as a Board Member. Travel mileage inside and outside of the School District would be reimbursed at the current mileage rate approved in School Board policy #302.
2. School Board Member travel outside the School District shall be reimbursed as follows:
  - 2.1 For personal car at approved rate per mile.
  - 2.2 For public conveyance at tourist class airplane fare. If personal car is used, the reimbursement for long trips will be no greater than tourist class airfare for the same trip.
  - 2.3 For lodging - actual cost plus tax.
  - 2.4 For meals - actual cost plus tip.
  - 2.5 For legitimate miscellaneous expenses at meeting site at actual cost (registration fee, cab fare, tips, parking, etc.).
3. Board Members may claim salary reimbursement for meetings outside of the school district boundaries as follows:
  - 3.1 Any conference, meeting or activity where they are acting in their official capacity as a member of the School Board. Examples: Representative to SEE, TIES, ECSU, MSBA, and other educational organizations.
  - 3.2 School Board representation to special committees or task forces.
  - 3.3 School Board representation for special district functions or events such as negotiations, hearings, court cases, and any other activity appropriately related to School Board membership that occur outside of the school district boundaries.
  - 3.4 Reimbursement will be \$75.00 for attendance at half-day meetings, and \$150.00 for attendance at full-day meetings.
  - 3.5 The total combined reimbursement from the district and the educational organization shall not exceed the amounts listed in 3.4.
4. Regular School Board Member salaries are established at the organizational meeting each year. Board Members are paid \$300.00 per month, plus the President will receive an additional annual stipend of \$200.00 per year and the Clerk and Treasurer will receive an additional annual stipend of \$100.00 per year.

**Legal References:** Minn. Stat. § 471.665 (Mileage Allowances)  
 Minn. Op. Atty. Gen. No. 1035 (August 23, 1999) (Retreat Expenses)  
 Minn. Op. Atty. Gen. No. 161b-12 (August 4, 1997) (Transportation Expenses)  
 Minn. Op. Atty. Gen. No. 161B-12 (January 24, 1989) (Operating Expenses of Car)

**Cross References:** Out-of-State Travel by School Board Members Policy 103B

Reviewed:	Revised:
01/04/99	07/24/95
01/05/04	09/18/95
	01/06/03 (Effective 07/01/03)
	11/04/04 (Effective 07/01/05)
	01/04/07 (Effective 07/01/06)
	02/07/08
	03/05/09
	02/04/10

**OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS**

**103B**

**I. PURPOSE**

The purpose of this policy is to control out-of-state travel by school board members as required by law.

**II. GENERAL STATEMENT OF POLICY**

School board members have an obligation to become informed on the proper duties and functions of a school board member, to become familiar with issues that may affect the school district, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state and local laws, rules, regulations and school district policies that relate to their functions as school board members. Occasionally, it may be appropriate for school board members to travel out of state to fulfill their obligations.

**III. APPROPRIATE TRAVEL**

Travel outside the state is appropriate when the school board finds it proper for school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to regional or national meetings of the National School Boards Association is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the school district should be preapproved by the school board.

**IV. REIMBURSABLE EXPENSES**

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses consistent with Policy #302.

**V. REIMBURSEMENT**

- A. Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the school board's approved budget allocations, including attendance at workshops and conventions.

**VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

The superintendent shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

~~**VII. ANNUAL REVIEW (MSBA removed this section from their model policy.)**~~

~~This policy must be annually reviewed by the school board.~~

**Legal References:** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)  
Minn. Stat. § 471.661 (Out-of-State Travel)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. No. 1035 (August 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. No. 161b-12 (August 4, 1997) (Transportation Expenses)

**Cross References:** Travel Expense Reimbursement Policy 302

ADOPTED: 12/15/05  
12/07/06  
02/07/08  
02/05/09  
02/04/10

I. PURPOSE

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

II. GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B. It is the responsibility of every school district employee to comply with this policy.
- C. The school board hereby designates the Director of Administration and Human Resources, 6100 North 210<sup>th</sup> Street, Forest Lake, Minnesota 55025, 651/982-8123, as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the Superintendent or the school district Human Rights Officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district Human Rights Officer or to the Superintendent.

- B. In Each School Building. The building Principal is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building Principal immediately.
- C. Upon receipt of a report or grievance, the Principal must notify the school district Human Rights Officer immediately, without screening or investigating the report. The Principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Principal to the Human Rights Officer. If the report was given verbally, the Principal shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein will result in disciplinary action against the Principal. If the complaint involves the building Principal, the complaint shall be made or filed directly with the Superintendent or the school district Human Rights Officer by the reporting party or complainant.
- D. The School Board hereby designates the Director of Administration and Human Resources and the Director of Special Education as the school district Human Rights Officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the Superintendent.
- E. The school district shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### IV. INVESTIGATION

- A. By authority of the school district, the Human Rights Officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the

school district.

- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The school district Human Rights Officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### V. SCHOOL DISTRICT ACTION

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

#### VI. REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student, or any person who



testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

## VIII. DISSEMINATION OF POLICY AND EVALUATION

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

ADOPTED: 6/7/76  
REVISED: 3/3/80  
REVISED: 5/3/99  
REVISED: 2/2/06  
REVISED: 1/3/08

### Legal References:

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

### Cross References:

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

INDEPENDENT SCHOOL DISTRICT NO. 831  
UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT

General Statement of Policy Prohibiting Unlawful Sex Discrimination Toward a Student:

Independent School District No. 831 maintains a firm policy prohibiting all forms of unlawful sex discrimination. Unlawful sex discrimination by any teacher, administrator or other school personnel will not be tolerated under any circumstances.

Complainant: \_\_\_\_\_

Home address: \_\_\_\_\_

Work address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Date of alleged incident(s): \_\_\_\_\_

Name of the person you believe unlawfully discriminated toward you or a student on the basis of sex:  
\_\_\_\_\_

If the alleged unlawful sex discrimination was toward another person, identify that person:  
\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statement (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Where and when did the incident(s) occur: \_\_\_\_\_  
\_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_  
\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_ has unlawfully discriminated against me or a student on the basis of sex. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
(Complainant Signature)

\_\_\_\_\_  
(Date)

Received by: \_\_\_\_\_

\_\_\_\_\_  
(Date)

## I. GENERAL STATEMENT OF POLICY

The School Board recognizes the negative impact that bullying can have on the health and safety of students and the learning environment. Bullying can create distress, anxiety, lower levels of self-esteem, and feelings of isolation. Bullying materially and substantially disrupts the rights of others to an education and is unacceptable in the educational environment.

Independent School District No. 831, Forest Lake Area Schools, endeavors to maintain a learning and working environment that is free of bullying. Toward that end, bullying is prohibited on school grounds, at school-sponsored events and activities, on school buses and other school sponsored transportation and at school bus stops. The School District acknowledges that for this policy to be effective, school personnel must fulfill their responsibilities assigned by this policy.

## II. DEFINITION OF BULLYING

“Bullying” means repeated behavior by an individual student, an individual student within a group of students, or group of students that is intended to cause the victim(s) to feel frightened, threatened, intimidated, humiliated, shamed, disgraced, ostracized, or physically abused. Bullying implies an imbalance in power or strength in which the student being bullied has difficulty defending him or herself. Bullying can take many forms, including physical, verbal, social/relational, cyberbullying or via any other method of communication. **Cyberbullying includes misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing by sending or posting e-mail messages, text messages, digital pictures or images. Website postings, including blogs, may also constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.** Bullying occurs in many forms, including but not limited to, the following:

- written, verbal, or nonverbal threats
- intimidating or threatening gestures
- unwanted physical contact, violence, or assault
- an intentional display of force that would give the victim reason to expect or fear physical contact or injury
- jeering, taunting, or mocking
- teasing
- degrading, insulting, or derogatory comments
- extortion
- theft of money or possessions
- vandalism of a student’s personal property
- unauthorized exercise of control over a student’s personal property

### III. PREVENTATIVE MEASURES

A copy of this policy will be provided to staff, students and parents on an annual basis. Staff will discuss bullying with students and will provide age appropriate examples to assist students in identifying bullying and understanding why it is inappropriate. All students shall be informed that bullying will not be tolerated in any form. All students shall be encouraged to report any bullying regardless of whether they are the victim or an observer.

When bullying has occurred and it has been dealt with in accordance with this policy, preventative measures shall include:

- administrator or designee checking in with the student who has been bullied, and
- administrator or designee checking in with parents/guardians to see if the bullying has continued.

Additional preventative measures may include encouraging students to become involved in activities such as friendship groups, peer support groups, new student orientation groups and extracurricular activities and clubs.

The School Board will review this policy at appropriate intervals to ensure that it is effective in its aims. As part of its review, the Board may require that a survey be conducted to determine the scope and extent of bullying in each school.

### IV. REPORTING PROCEDURES

**Victims/Targets.** All students who believe they have been the victim/target of bullying shall promptly report the bullying to a teacher, building principal, assistant principal or other district staff member.

**Parents/Guardians.** All parents/guardians who become aware of any bullying are encouraged to report the bullying to a teacher, building principal, assistant principal or other district staff member.

**Student Witnesses.** All students who witness or become aware of bullying shall immediately report the bullying to a teacher, building principal, assistant principal or other district staff member.

**School Personnel.** Any staff person who witnesses bullying shall immediately intervene and take appropriate action to stop the bullying. In addition, any staff person who witnesses or receives a report of bullying shall make a report to the building principal, assistant principal, or their designee and follow any other processes put in place by the school for reporting bullying incidents.

**Building Principals.** A principal or assistant principal who observes bullying or receives a report of bullying shall document the incident and ensure that the school process for investigating and following up on bullying incidents is implemented in a timely manner.

## V. DISCIPLINARY AND OTHER ACTION

Consistent and appropriate disciplinary action will be taken for bullying behavior. The primary purpose of such action is to protect the victim and to deter bullying behavior in the future. The discipline imposed should match the offense.

In regard to investigating reports of bullying, administrators or their designees shall discuss bullying with the victim in a place where the victim feels secure. The initial discussion with the victim shall not take place in the presence of the offending student(s). If more than one student is involved in perpetrating the bullying, the administrator shall talk to each of the offending students separately.

If an investigation substantiates that bullying has occurred, the building principal or their designee shall take appropriate action consistent with this policy, including placing a written record of the behavior in the offending student(s)'s discipline file.

The District recognizes that parents can play an important role in educating their children and preventing bullying. Accordingly, the parents of each offending student shall be informed of any bullying incidents involving their child. Parents of offending students may be encouraged to attend one or more conferences with an administrator or their designee to review the bullying behavior and cooperative strategies for correcting it.

The building principal or designee shall also inform the victim's parents as soon as reasonably possible of any and all bullying behavior involving their child. Parents of students who have been bullied may also be provided with bullying prevention resources to support their child and receive ongoing communications from the school regarding the bullying situation. The principal or designee will inform the parents of the victim when the investigation has been completed.

Disciplinary action for bullying may include loss of privileges, removal from class, suspension, and expulsion or exclusion. If the building principal believes that the conduct rises to the level of a crime, disciplinary action will also include referral to law enforcement officials.

The penalties and prohibitions in this policy are in addition to, and do not replace or supersede, any related provisions in District policy prohibiting conduct such as harassment, violence, assault, and hazing.

Without disclosing personally identifiable data, the School District shall make summary information about violations of this policy available to the public, upon request, consistent with the Minnesota Government Data Practices Act.

**The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of**

**students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.**

**VI. REPRISAL**

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

**VI. DISSEMINATION OF POLICY AND TRAINING**

This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.

A summary of this policy shall appear in the student handbook.

The School District will develop and implement a method of discussing this policy annually with students and employees.

This policy shall be reviewed at least annually for compliance with state and federal laws.

*Legal References:* Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)  
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)

*Cross References:* Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414  
Harassment and Violence Policy 425  
Hazing Prohibition Policy 431  
Use of Student Records Policy 505  
Discipline Policy 515  
Suspension and Expulsion Policy 516  
Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522  
Student Transportation Safety Policy 531  
School Weapons Policy 532  
Equal Educational Opportunity Policy 535  
Student Disability Nondiscrimination Policy 536  
Student Camera Use in School Policy 517

Adopted: 07/07/03  
Revised: 03/08/07  
Revised: 02/07/08  
Revised: 03/05/09  
Revised: 02/04/10

**I. PURPOSE**

The purpose of this Policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

**II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING****A. School Bus Safety Week.**

The first week of school is designated as school bus safety week.

**B. Student Training.**

1. The School District shall provide students enrolled in grades kindergarten through 10 with age appropriate school bus safety training. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:
  - a. transportation by school bus is a privilege not a right;
  - b. District policies for student conduct and school bus safety;
  - c. appropriate conduct while on the bus;
  - d. the danger zones surrounding a school bus;
  - e. procedures for safely boarding and leaving a school bus;
  - f. procedures for safe vehicle lane crossing; and
  - g. school bus evacuation and other emergency procedures.
2. Student school bus safety training shall commence during school bus safety week. All students grades K-3 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. Students grades 4-10 must demonstrate achievement of these competencies by the end of the sixth week of school. Students who enroll in a school after the second week of school and are transported by school bus, shall undergo School Bus Safety training and demonstrate achievement of the school bus safety competencies within four weeks of the first day of attendance. The School District may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability. Further, the School District may deny transportation to a student who attends a nonpublic school that fails to provide appropriate student training.
3. The School District will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
4. The District will, to the extent possible, provide kindergarten students with school bus safety training before the first day of school.
5. The School District will also provide student safety education for bicycling and pedestrian safety.

6. The School District's curriculum for transportation is maintained and available for review in the office of the Transportation Safety Director.
7. Nonpublic students transported by the School District will receive School Bus Safety training in their nonpublic school. The nonpublic school must certify to the School District's School Transportation Safety Director that all students have received the appropriate training.

### III. PARENT AND GUARDIAN INVOLVEMENT

#### A. Parent/Guardian Responsibilities For Transportation Safety.

1. Become familiar with District rules and policies, regulations and principles of school bus safety.
2. Assist students in understanding safety rules and encourage them to abide by them.
3. Recognize their responsibilities for the actions of their children.
4. Support safe riding and walking practices and reasonable discipline efforts.
5. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
6. Support procedures for emergency evacuation, and procedures in emergencies as set up by the School District.
7. Respect the rights and privileges of others.
8. Communicate safety concerns to school administrators.
9. Monitor bus stops, if possible.
10. Support all efforts to improve school bus safety.
11. Have their children to the bus stop five minutes before the bus arrives.
12. Have their children properly dressed for the weather.
13. Have a plan in case the bus is late.

#### B. Parent/Guardian Notification.

A copy of the School District school bus and bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents/guardians are asked to review the rules with their students.

### IV. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. Riding the school bus is a privilege, not a right. Students are expected to follow the same behavioral standards while riding school buses as are expected on school property or at school activities, functions or events. All school rules are in effect while a student is riding the bus or at the bus stop.
- B. Consequences for school bus/bus stop misconduct will be imposed by the Building Principal or the Principal's designee. In addition, all school bus/bus stop misconduct will be reported to the District's Transportation Safety Director and may be reported to local law enforcement.
  1. School Bus and Bus Stop Rules.  
The School District school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. In



most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the School District's Transportation Office/School Office.

2. Rules at the Bus Stop.

- a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will stop, but not wait for late students.
- b. Respect the property of others while waiting at your bus stop.
- c. Keep your arms, legs and belongings to yourself.
- d. Use appropriate language.
- e. Stay away from the street, road or highway when waiting for the bus. Wait until the bus stops before approaching the bus.
- f. After getting off the bus, move away from the bus.
- g. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- h. No fighting, harassment, intimidation or horseplay.
- i. No use of alcohol, tobacco or drugs.

3. Rules on the Bus.

- a. Immediately follow the directions of the driver.
- b. Sit in your seat facing forward.
- c. Talk quietly and use appropriate language.
- d. Keep all parts of your body inside the bus.
- e. Keep your arms, legs and belongings to yourself.
- f. No fighting, harassment, intimidation or horseplay.
- g. Do not throw any object.
- h. No use of alcohol, tobacco or drugs.
- i. Do not bring any weapon or dangerous objects on the school bus.
- j. Do not damage the school bus.
- k. Do not eat or drink on the school bus on regular school bus routes to and from school. Exceptions will be made for medical reasons.

4. Consequences.

- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be in the sole discretion of the School District. Parents/guardians will be notified of any offenses and/or suspension of bus privileges.

1) Elementary (K-6) per school year.

1st offense -- warning

2nd offense -- warning or 1-3 school day suspension from riding the bus

3rd offense -- 5 school day suspension from riding the bus

4th offense -- 10 school day suspension from riding  
the bus / meeting with parent/guardian

Further offenses -- individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

- 2) Secondary (7-12) per school year.
  - 1st offense -- warning
  - 2nd offense -- 3-5 day suspension from riding the bus
  - 3rd offense -- 10 day suspension from riding the bus
  - 4th offense -- 20 day suspension from riding the bus/meeting with parent/guardian
  - 5th offense -- suspended from riding the bus for the remainder of the school year
  
- 3) Other Discipline.

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school may also result from school bus/bus stop misconduct.

On a take home route, a school bus driver shall have the authority to remove a student from the bus for one day for misbehavior considered to be causing an immediate and substantial danger to self or surrounding persons or property, provided the driver follows the administrative regulations addressing these suspensions, as outlined in the Driver's Handbook. The driver must make direct contact (telephone or meeting) with the parent/guardian prior to the end of the evening on the day preceding the removal from the bus.
  
- 4) Records.

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Records may also be maintained in the transportation office.
  
- 5) Vandalism/Bus Damage.

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within two weeks may result in the loss of bus privileges until damages are paid.
  
- 6) Notice.

Students will be given a copy of school bus and bus stop rules during school bus safety training. Rules are to be posted on each bus and both rules and consequences will be periodically reviewed with students by the driver.
  
- 7) Criminal Conduct.

In cases involving criminal conduct the Superintendent, local law enforcement officials and the Department of Public Safety will be informed.

## V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

All school bus drivers shall be adequately prepared, both physically and mentally, each day to perform required duties. These shall include:

- A. Operating the vehicle in a safe and efficient manner.
  1. Safety. The primary concern of each driver is safety. Drivers will exercise extreme caution during the loading and unloading process as well as when driving.
  2. Defensive Driving. All drivers are to drive defensively at all times. A definition of defensive driving is: driving in a manner to avoid accident involvement despite adverse conditions created by roads, weather, traffic, or errors of other drivers or pedestrians.
  3. Driving Adjustments. Winter and wet weather driving may require adjusting speed and normal driving practices to compensate for road conditions.
  4. Emergency Doors. Emergency doors must be free and operable. Under no circumstances may the doors be obstructed to prevent easy access.
  5. Service Door. The service door of the bus must be closed at all times while the bus is in motion.
  6. Overloads. The registration card in all vehicles designates the maximum number of passengers allowed to be carried. This limit cannot be exceeded. A driver should call the designated individual for instructions should a vehicle become overloaded.
  7. Railroad Crossings. All vehicles used to transport must stop at railroad crossings, using required procedures, whether they are loaded or empty. School buses shall not activate the eight-way lights; four-way hazard lights are to be used before stopping and when crossing the tracks.
  8. Speeding and Other Moving Violations. No bus will travel faster than road, traffic and weather conditions safely permit, regardless of the posted speed limit. Any driver convicted of a moving violation with a school bus will face disciplinary action. Other reports or warnings regarding speeding will result in suspension and/or termination.
  9. Tobacco Products Prohibited. Smoking or use of tobacco products by either the driver or the passengers is prohibited on any school bus, Type III vehicle, or on school property.
- B. Conducting thorough pre-trip and post-trip inspections of the vehicle and special equipment.
  1. Pre-Trip/Post-Trip Bus Inspection. Drivers are required to make a pre-trip inspection of the bus before each trip. Failure to do so is a violation of State law.

Defects are to be reported in writing. Drivers are required to check their buses for students, vandalism and articles left on the bus after each route segment.

2. Safety Equipment. All drivers are responsible for ensuring that the necessary safety equipment is aboard the bus, including fire extinguisher, first aid kit, bodily fluids clean-up kit, flashlight, reflectorized emergency warning device, and any additional items required by the District. Drivers of vehicles for disabled students will ensure all student health information cards ~~are on board the bus~~ **will be maintained as a hard copy on the vehicle or available through 2-way communication in the dispatch office.**
  3. Bus Cleaning. Drivers are required to keep the interior of their buses swept and free of trash at all times.
  4. Fueling. The driver is responsible for ensuring that his or her assigned vehicle is adequately fueled before leaving the yard. Smoking is prohibited in the fueling area. The engine shall be turned off while fueling. Drivers should never fuel with passengers aboard.
- C. Ensuring the safety, welfare and orderly conduct of passengers while on the bus. (See Section II).
- D. Meeting emergency situations in accordance with operating procedures. (See Sections VIII and VI).
- E. Communicating effectively with school staff, students, parents, law enforcement officials and the motoring public.
1. Relations with Students. Bus drivers will treat students with respect and will refrain from any conduct which is intended or could be perceived as demeaning, intimidating or harassing.
  2. Relations with School Officials. School officials can and will be of considerable assistance to drivers. They are trained in the education of students and it is in their best interest that control and discipline be maintained on the bus. Therefore, it is very important drivers have good relationships with the school officials and give them full cooperation.
  3. Relations with the Public. It is important to remember that to the general public, the driver represents the School. Buses are one of the most visible vehicles on the road. Drivers must deal with students, parents, and other motorists in a polite, professional and considerate manner.
  4. Student Discipline. Although drivers are responsible for maintaining order on the bus, drivers must always remember that the types of actions they may use are limited. Drivers must never, under any circumstances, use corporal punishment. Drivers have no authority to permanently deny a child the privilege of riding the bus, or drop the student at other than the designated stop. Any denial of bus-

riding privileges can come only from the school authorities, except as noted under Section IV. B.4.a.3.

5. Route Problems. Any problems, of whatever kind, encountered by a driver on the routes or trips should be brought to the attention of the Office of the Transportation Safety Director as soon as possible.
  6. Unauthorized Passengers. Only authorized passengers may be transported in a bus. Any other passenger must be specifically approved by the Director of Transportation or his/her designee.
  7. Notices. It is the responsibility of the driver to check for notices each day and to check with his or her supervisor regularly.
- F. Completing required reports.  
It is the responsibility of the driver to completely fill out and timely turn in all reports, discipline referrals, time cards, and mechanical defect slips as required. This includes all requirements pertaining to pre-trip inspections and stop-arm violation reports.
- G. Completing required training programs successfully. (See Section VII).
- H. Providing maximum safety for passengers during loading and unloading.
1. Standees Prohibited. Standees are not allowed on a moving school bus. Drivers must not move a bus from a stopped position until all passengers are seated. Students are to remain seated until the bus has stopped.
  2. Dangerous Articles. No weapons or articles that may be classified as dangerous, may be transported on a school bus. This includes any and all weapons, gasoline cans, animals, and other dangerous or objectionable items. Possession of weapons on school property or the bus will not be tolerated. Companion dogs are allowed.
  3. Driver must wear the seat belt whenever the bus is in motion.  
Additional driver duties and responsibilities may be found in the driver handbook. All bus driver dismissals will be reported to the Department of Public Safety pursuant to Department of Public Safety directions.

## VI. OPERATING RULES AND PROCEDURES

### A. General Operating Rules.

1. All routes shall be on file with the School District's School Transportation Safety Director.
2. Only students assigned to the school bus by the District shall be transported. The number of students or other authorized passengers transported in or assigned to a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.

3. Drivers are to enforce the provisions of the school bus and bus stop rules as appropriate. Students may be released from the bus at only three points, the approved bus stop, shuttle location or at school, except in case of an emergency.
4. The parent/guardian may designate by a signed, written request a day care facility, respite care facility, the residence of a relative or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet other eligibility requirements.
5. Students who misbehave severely may be returned to the school immediately and reported to the Building Principal or other designated individual.
6. Safety evacuation drills for the student-passengers shall be conducted at least twice a year.
7. There shall be no students in the bus while the fuel tank is being filled. On leaving the vehicle when students are in the bus, the driver shall stop the bus, remove the ignition key, set the brakes and otherwise render the bus immobile.
8. Buses shall not be run backwards on the school grounds or any other point if it can be avoided. If it is necessary to run a bus backwards on school grounds, the driver shall have another responsible person act as a guard flagman in back of the bus to keep other persons out of the path and to issue warnings to the driver of approaching traffic.
9. When arriving or leaving the school grounds, the driver must not follow closer than 50 feet from the vehicle directly in front of the bus or closer than 500 feet when traveling on the highway.
10. No school bus shall pull any trailer when students are being transported on regular routes to or from school.
11. In case of an accident or breakdown of the bus, the driver shall contact the dispatcher using the two-way radio. If no radio contact is available, the driver shall not leave the bus unattended.
12. The District may adopt such additional operating rules as are deemed necessary to meet local conditions and needs, provided they do not conflict with State laws and regulations.
13. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion. For purposes of this paragraph, "school bus" has the meaning given in Minn. Stat. § ~~169.01~~ 169.011, Subd. 6 71. In addition, "school bus" also includes type III vehicles when driven by employees or agents of the school district. "Cellular phone" means a cellular,

analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

14. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
15. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

B. Use of Signals, Loading or Unloading.

1. The driver shall activate the flashing eight-light system of the bus at least 300 feet before stopping to load or unload students when outside an incorporated municipality, and 100 feet when operating within an incorporated municipality, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the roadway or highway are safely across.
2. Bring the vehicle to a complete stop in the right hand lane of the roadway parallel to the center line.
3. Prior to discharging students, open door, activate red flashing lights and extend the stop arm. Discharge students only after all traffic (front and rear) has come to a complete stop.
4. Keep door open and eight-light system operating until all students have been loaded or unloaded safely.
5. The driver should avoid loading or unloading students where the view is obstructed to other motorists for 200 feet in either direction.
6. The driver will not permit students to stand or get on or off the bus while it is in motion.
7. The driver will bring the bus to a full stop and disengage gears by shifting gear shift lever into neutral position or selector into neutral or park position before loading or unloading students.
8. Buses shall load and unload students only at designated locations.

C. Crossing Highways and Streets.

1. The driver shall be responsible for safely delivering the students who must cross the highway or street by one of the following methods:
  - a. Students shall pass approximately 10 feet in front of the school bus so as to be seen by the driver and cross the road only upon receiving a hand signal from the driver, or

- b. The student shall pass approximately 10 feet in front of the bus so as to be seen by the driver and be conducted across the road by the school bus patrol, or
- c. The driver shall personally conduct the students across the road after following required procedures for disabling the bus.
- d. The driver shall visually ascertain that students getting off the bus who do not need to cross the road are a safe distance from the bus before moving the vehicle.

D. Type III Vehicles.

- 1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
- 2. Type III vehicles must be painted a color other than national school bus yellow.
- 3. Type III vehicles shall be state inspected in accordance with legal requirements.
- 4. A type III vehicle cannot be older than 12 years old unless excepted by state and federal law.
- 5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
- 6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
- 7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
- 8. Type III vehicles must be equipped with mirrors as required by law.
- 9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into ~~neutral~~ or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.

*Change*



10. Any type III vehicle used to transport students must carry emergency equipment including:
  - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
  - b. First aid kit and body fluids cleanup kit. A minimum of a ten-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
  - c. A type III vehicle must contain at least three red reflectorized triangle road warning devices. Liquid burning "pot type" flares are not allowed.
  - d. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.

E. Type III Vehicle Driven by Employees with a Class A-D Driver's License

1. The holder of a Class **A, B, C, or D** driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
  - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.

- b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
- (1) safe operation of a type III vehicle;
  - (2) understanding student behavior, including issues relating to students with disabilities;
  - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
  - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
  - (5) handling emergency situations;
  - (6) proper use of seat belts and child safety restraints;
  - (7) performance of pretrip vehicle inspections; ~~and~~
  - (8) safe loading and unloading of students, including, but not limited to:
    - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
    - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
    - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location; and
    - (d) placing the type III vehicle in "park" during loading and unloading;  
**and-**
  - (9) compliance with paragraph V.E. concerning reporting convictions to the employer within ten days of the date of conviction.**
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minn. Stat. § 122A.18, Subd. 8, or Minn. Stat. § 123B.03 for school district employees; Minn. Stat. § 144.057 or Minn. Stat. Ch. 245C for day care employees; or Minn. Stat. §

171.321, Subd. 3, for all other persons operating a type A or type III vehicle under this section.

- d. Operators shall submit to a physical examination as required by Minn. Stat. § 171.321, Subd. 2.
- e. The operator's employer has adopted and implemented a policy that provides for mandatory drug and alcohol testing of applicants for operator positions and current operators, in accordance with Minn. Stat. § 181.951, Subds. 2, 4, and 5.
- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.
- g. A person who sustains a conviction, as defined under Minn. Stat. §609.02, of violating Minn. Stat. § 169A.25, § 169A.26, § 169A.27 (driving while impaired offenses), or § 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minn. Stat. §§ 169A.50 to 169A.53 of the implied consent law, or who is convicted of or has his or her driver's license revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for five years from the date of conviction.
- h. A person who has ever been convicted of a disqualifying offense as defined in Minn. Stat. § 171.3215, Subd.1(c), (*i.e.*, felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
- i. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of a moving offense in violation of Minn. Stat. Ch. 169 within three years of the first of three other moving offenses is precluded from operating a type III vehicle for one year from the date of the last conviction.
- j. Students riding the type III vehicle must have training required under Minn. Stat. § 123B.90, Subd. 2 (See Section II.B., above).
- k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.
- l. A person who operates a type III vehicle and who sustains a conviction as described in Section VI.E.1.g. (*i.e.*, driving while impaired offenses, VI.E.1.h. (*i.e.*, felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure,**

**use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VI.E.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within ten days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy. This provision does not apply to a school district employee whose normal duties do not include operating a type III vehicle.**

2. The type III vehicle must bear a current certificate of inspection issued under Minn. Stat. § 169.451.
3. An operator employed by the school district, whose normal duties do not include operating a type III vehicle, who holds a Class D driver's license without a school bus endorsement, may operate a type III vehicle and is exempt from paragraphs VII.C.1.c. (background checks), VII.C.1.d. (physical examination), VII.C.1.e. (drug and alcohol testing), and VII.C.1. f. (annual license verification), above.

F. Type A-I "Activity" Buses Driven by Employees with Class D Driver's License

1. The holder of a Class D driver's license, without a school bus endorsement, may operate a type A-I school bus or a Multifunctional School Activity Bus (MFSAB) under the following conditions:
  - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
  - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
  - c. The operator is prohibited from using the eight-light system if the vehicle is so equipped.
  - d. The operator has submitted to a background check and physical examination as required by Minn. Stat. § 171.321, Subd. 2.
  - e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minn. Stat. § 171.02, Subd. 2a(h) - 2a(j).
  - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School

Buses,” if child safety restraints are used by passengers, in addition to the training required in Section VI., above.

- g. The bus has a gross vehicle weight of 10,000 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
3. A school bus operated under this section must bear a current certificate of inspection.
4. The word “School” on the front and rear of the bus must be covered by a sign that reads “Activities” when the bus is being operated under authority of this section.

## VII. SCHOOL BUS DRIVER TRAINING

### A. Training.

All new bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction before transporting students and shall meet the competencies specified by the Department of Public Safety. All school bus drivers shall receive in-service training annually. The following driver training standards represent the minimum areas of training which each driver must receive prior to entering service to the School District. The School District shall forward to the Commissioner of Public Safety the certification of in-service training, including the number of hours and certification of competency for each driver.

1. Pre-Trip Inspection  
Both new and experienced drivers must be familiar with the elements of the mandatory pre-trip inspection required under Minnesota law including:
  - a. The engine compartment -- belts, valves, fluid leaks
  - b. Engine start, warning lights, gauges, horn
  - c. Fuel level
  - d. Brakes -- pedal reserve and air/vacuum gauges
  - e. Interior -- seats, floor, lights
  - f. Electrical charging system
  - g. Emergency door
    - 1) smooth latch operation
    - 2) alarm buzzer
  - h. Entrance door operation
  - i. Lift door operation and alarm
  - j. Lift equipment for wheelchairs
  - k. Wheels, service brakes, emergency brake
  - l. Exterior lights -- headlights, brake lights, market lights, turn signals

- m. Exhaust system
- n. Windows, windshield, and inspection sticker
- o. Eight-light system and stop arm
- p. Emergency equipment -- first aid kit, bodily fluids clean-up kit, flashlight, reflectors, two-way radio

2. Fundamentals and Techniques of School Bus Driving

The driver training program must include:

- a. Relevant laws
- b. Rules of the road and School District safety policies
- c. Defensive driving
- d. Driving in inclement weather conditions
  - 1) reduced visibility -- rain, snow, fog
  - 2) wet roads
  - 3) icy roads
- e. Dealing with pedestrians and students in traffic
- f. Operation of the manual or automatic transmission
- g. The use of the drive train for stopping the school bus
- h. Situations where the hand brake will and will not stop a moving bus
- i. Steering and turning techniques
- j. Right and left turn maneuvers
- k. Gauging the speed of other vehicles on cross streets
- l. Use of mirrors
- m. Merging into traffic
- n. Visual perceptions
- o. Safe following distances
- p. Safe passing procedures
- q. Safe backing procedures
- r. Use of the eight-light system and School District policy regarding its use
- s. Loading and unloading procedures
- t. Knowledge of the danger zone concept
- u. Policies and Procedures for grade level railroad crossings
- v. Emergency use of the public address system
- w. Response to an approaching emergency vehicle while unloading
- x. Leaving the bus unattended at school sites

3. Special Education Transportation

Special education transportation requires skills and abilities that exceed those required to provide normal school bus service. Drivers will be familiar with:

- a. Handling of wheelchairs
- b. Operation of lift equipment
- c. What to do in a medical emergency
- d. Proper use of wheelchair securement devices
- e. School District policies on the use of seat belts on designated students
- f. Handicapping conditions
- g. Responsibilities of the bus driver and the bus aide
- h. School District policy in situations where a responsible person is not available to receive a student

4. Emergency Procedures

Drivers must be prepared to deal with emergency situations while operating on routes and field trips. Included in these emergency situations are mechanical breakdown, fire, accident, or passenger injury. Drivers are to receive training in:

- a. Identifying the degree of an emergency before beginning an evacuation
- b. Identifying a safe evacuation unloading area
- c. Preplanning emergency evacuations for both conventional and lift buses
  - 1) front rear, and both door evacuations
  - 2) evacuation of special education students
  - 3) evacuation of physically disabled students and students using wheelchairs
  - 4) placement of students in a safe location
- d. Cooperation in emergency evacuation drills
- e. Mechanical breakdowns
  - 1) stop bus in safe location
  - 2) keep passengers in bus if safe to do so
  - 3) take steps to warn motorists
  - 4) radio or call for assistance
- f. How to secure the school bus and place emergency triangles
- g. Use of the two-way communication system in an emergency
- h. When it is appropriate to evacuate the school bus
- i. How to supervise an emergency evacuation
- j. Emergency evacuation of the disabled
- k. Special considerations when evacuating a lift bus
- l. Lifting techniques for handling disabled students in an emergency situation
- m. Priorities when dealing with injured passengers
- n. How to use the school bus first aid kit
- o. Use and operation of the fire extinguisher
- p. Dealing with other motorists and the police
- q. Use of emergency reflectors and hazard lights
- r. Control of exposure to blood borne pathogens
- s. Use of body fluid clean-up kits
- t. School District policy on medical emergencies
- u. Recognition and handling of epileptic seizures
- v. How to respond if a passenger has a weapon on the bus

5. First Aid

All drivers must be certified in first aid and CPR and be familiar with the Heimlich maneuver, and the procedures for dealing with obstructed airways, shock, bleeding and seizures.

6. Private or Confidential Student Information

Types of student data that are considered private or confidential under Minnesota Statutes

7. Student Discipline

- a. Creating a positive attitude on the school bus
- b. Oral and visual communications skills between the driver and the passenger
- c. Dealing confidently with a disruptive student

- d. District discipline policy
- e. Developing and enforcing workable rules
- f. Incident report forms
- g. District policy on possession of weapons by a student
- h. District policy on sexual, racial and religious harassment/violence
- i. District policy on smoking

8. Human Relations

- a. Appropriate driver behavior
- b. Sensitivity to a diverse student population
- c. Sensitivity to handicapping conditions
- d. Relations with parents and school staff
- e. Working with a special education bus aide

9. Chemical Abuse

- a. How alcohol and/or drugs can affect driving skills
- b. Drug-testing programs
- c. State and federal requirements

B. Evaluation.

All drivers will be evaluated for the following competencies at least once annually:

- 1. safely operate the type of school bus the driver will be driving
- 2. understand student behavior, including issues relating to students with disabilities
- 3. ensure orderly conduct of students on the bus and handle incidents of misconduct appropriately
- 4. know and understand relevant laws, rules of the road and local school bus safety policies
- 5. handle emergency situations
- 6. safely load and unload students, and;

## VIII. EMERGENCY PROCEDURES

A. Fire.

In the event of a fire, the first priority is to evacuate the bus. Drivers will make certain passengers are safe before attempting to put out the fire.

B. Injuries/Medical Emergencies.

Drivers should first contact the dispatcher to call 911 in the case of serious injuries. Drivers should administer proper first aid in accordance with their training and level of ability. In the event an injured passenger is taken to the hospital, record the students' name and the name of the hospital where the student is sent.

C. Tornado.

If there is likelihood that the tornado will hit a vehicle, and there is no escape route available or no time to drive to a safe location, the driver should evacuate the bus, taking the first aid kit. The driver will take the students to the basement of a nearby building or to the nearest depression or ditch upwind (toward the storm) of the bus far enough away from the bus so that the bus will not roll over on them and instruct them to



cover their heads with their arms. If the students are wearing coats or jackets, these can be used to provide additional protection for their heads and bodies. Drivers should take only the first aid kit from the bus.

If drivers are on the road when they hear a tornado warning or spot a funnel, and there is no time to evacuate the students after stopping the bus, drivers should have the students assume the protective position, remaining in their seats, with their heads below window level.

D. Evacuation.

Drivers should evacuate buses only when there is a danger of fire, collision or other potential hazard. Drivers should inform passengers that there is an emergency, and in very calm and precise terms, tell them exactly what they are to do. When safely possible, drivers will keep all evacuees a minimum of 100 feet from the bus. They should be loaded back onto the bus only when the driver has determined it is safe to do so.

E. Accident.

In case of an accident, the driver should immediately assess students for injuries and begin any emergency first aid procedures if necessary. The driver must also notify the School District and law enforcement of any school bus accidents immediately.

Upon providing emergency care and notifying the District, the driver shall:

1. In cooperation with police officer and/or ambulance service, assist with the care of students.
2. See that all injured students receive proper care.
3. Determine facts pertaining to accident.
4. Call Transportation/District staff to give list of names and circumstances so they can begin calling parents.
5. Discuss the accident only with police and School District officials.
6. Record all students' names.
7. Not leave the scene of an accident until released by the driver's supervisor.

Before leaving for the day, the driver shall fill out an accident report. All bus accidents will be reported to the Department of Public Safety.

F. Cold Weather Stop.

If a driver is stuck or stalled in cold weather, the driver should call for assistance and wait for help. The driver should avoid relying on the engine to provide heat for the driver and passengers as long as possible. If it is necessary to run the engine to provide heat, the driver will make sure the exhaust pipe is clear of snow, open windows for ventilation, and check passengers frequently for headaches or drowsiness.

G. Dangerous Weapons.

If a driver observes or learns that a passenger may have a dangerous weapon on the bus, he or she should remain calm and call for assistance using a pre-determined code. The driver should give the location of the bus to the dispatcher, continue the route and wait for assistance. The driver should not inform the passenger suspected of having the weapon that he or she knows of the weapon.

H. Lights.

In an emergency stop, the driver should turn on the four-way hazard warning lights, and running or clearance lights.

I. Getting Assistance.

Use the two-way radio communications system to get assistance. Drivers should report the location and number of the bus, the nature of the problem, and the status of the passengers. If the driver cannot use a radio to contact the dispatcher, ask a passerby or other motorist to do so from the nearest telephone. The driver should write out the number and location of the school bus, the nature of the emergency, and the status of the passengers.

IX. VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the School District.
- B. All school vehicles shall be inspected in accordance with legal requirements.
- C. Daily pre-trip inspections shall be required and prompt reports submitted of defects to be immediately corrected.

X. EXPENDITURES FOR SCHOOL BUS SAFETY ACTIVITIES

A description of School District funds expended for school bus safety activities from student transportation reserved revenue is kept in the office of the Transportation Safety Director and is available for review. As required by law, these expenditures will be annually reported to the Department of Public Safety.

The School District's expenditures for transportation safety are incorporated by reference into this policy.

XI. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The School Board has designated an individual to serve as the School District's School Transportation Safety Director. The School Transportation Safety Director shall have day-to-day responsibility for pupil transportation safety, including transportation of nonpublic school children when provided by the District. The School Board authorizes the School Transportation Safety Director to designate each location where a school bus shall not use the stop-signal arm system and flashing red signals while loading or unloading school children. The School Transportation Safety Director shall annually submit in writing all such stops to the School Board for approval. The School Board Policy Committee will annually review this policy and forward it to the School Board for approval. The name, address and telephone number of the School Transportation Safety Director are on file with the Superintendent. Any questions regarding student transportation or this policy should be addressed to the School Transportation Safety Director.

**Legal References:** Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. § 123B.42 (Textbooks; Individual Instructor or Cooperative Learning Material; Standard Tests)  
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)  
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)  
Minn. Stat. § 123B.90 (School Bus Safety Training)  
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)  
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)  
**Minn. Stat. Ch. 169 (Traffic Regulations)**  
~~Minn. Stat. § 169.01, Subds. 6 and 92 (Definitions)~~  
**Minn. Stat. § 169.011, Subds. 15 and 71 (Definitions)**  
Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)  
Minn. Stat. § 169.446, Subd. 2 (Driver Training Programs)  
Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)  
Minn. Stat. § 169.454 (Type III Vehicle Standards)  
Minn. Stat. § 169.4582 (Reportable Offense on School Buses)  
Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)  
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)  
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)  
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)  
Minn. Stat. § 171.168 (Notification of Conviction for Violation by a Commercial Driver)  
Minn. Stat. § 171.169 (Notification of Suspension of License of Commercial Driver)  
Minn. Stat. § 171.321 (Qualifications of School Bus Driver)  
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)  
Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)  
Minn. Stat. Ch. 245C (Human Services Background Studies)  
Minn. Stat. § 609.02 (Definitions)  
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)  
~~34 C.F.R. § 383.5 (Transportation Definitions)~~  
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)  
49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)  
**49 C.F.R. § 383.5 (Transportation Definitions)**

**Cross References:** Policy 304 (Transportation of Pupils)  
Policy 430 (Transportation Employee Drug & Alcohol Policy)  
**Policy 505 (Use of Student Records)**  
**Policy 515 (Discipline Policy)**

Adopted 9/19/94

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Revised 6/02/05  
Revised 5/04/06  
Revised 2/07/08  
Revised 1/08/09  
Revised 2/04/10

**I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to the school district computer systems and acceptable and safe use of the Internet, including electronic communications.

**II. GENERAL STATEMENT OF POLICY**

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

**III. LIMITED EDUCATIONAL PURPOSE**

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

**IV. USE OF SYSTEM IS A PRIVILEGE**

While the school district's electronic systems are provided for the conduct of the school district's mission, it is understood that they may be used occasionally for personal use as well. Reasonable personal use is permitted, so long as it does not interfere with users' performance of their responsibilities and complies with applicable laws and policies. The personal use of both audio and video streaming media as well as the downloading of excessively large files for personal use interferes with the school district's use of the Internet and delivery of electronic mail and is therefore not acceptable personal use of the Internet.

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

district policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

## V. UNACCEPTABLE USES

- A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:
1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit or distribute:
    - a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
    - b. language or images that are inappropriate in the education setting or disruptive to the educational process;
    - c. information or materials that could cause damage or danger of disruption to the educational process;
    - d. language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination, except as allowed in Policy 602 Controversial Issues.
  2. Users shall not use district e-mail as part of a political campaign to support or oppose a political issue or the nomination or election of a candidate for public office except as otherwise agreed upon in school district employment agreements.
  3. Users will not use the school district system to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass **or bully** another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
  4. Users will not use the school district system to engage in any illegal act or violate any local, state or federal statute or law.
  5. Users will not use the school district system to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change the school district system software, hardware or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.

6. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person.
  7. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
  8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another owner's property without the owner's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
  9. Users will not use the school district system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school district.
- B. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

## **VI. FILTER**

- A. With respect to any of its computers with Internet access, school district personnel will monitor the online activities of minors and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
1. Obscene;
  2. Child pornography; or
  3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  2. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. An administrator, supervisor or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

## **VII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

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

## **VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right to investigate or review the contents of files generated by their student.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in



compliance with school district policies conducted through the school district system.

## **IX. INTERNET USE AGREEMENT**

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.

## **X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district media, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for loss or damage to personal devices or media attached to district equipment. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

## **XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district media.
    - b. Information retrieved through school district computers, networks or online resources.
    - c. Personal property used to access school district computers, networks or online resources.
    - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.

3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student or staff member through the Internet is the sole responsibility of the student and/or the student's parents/guardians or the staff member incurring the obligation.
6. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 505, Use of Student Records.
7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

## **XII. IMPLEMENTATION; POLICY REVIEW**

- A. The school district may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy.
- B. The school district shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district technology policies and procedures are available for review by all parents, guardians, staff and members of the community.
- D. Because of the rapid changes in the development of technology, the school board shall conduct a periodic review of this policy.

ADOPTED: May 6, 2002  
June 7, 2004  
October 5, 2006  
November 1, 2007 (No Changes)  
January 7, 2010

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 405

Orig. 1995

Revised: \_\_\_\_\_

Rev. 2004 2010

## 405 VETERAN'S PREFERENCE

*[Note: The provisions of this policy substantially reflect legal requirements.]*

### I. PURPOSE

The purpose of this policy is to comply with the Minnesota law Veterans Preference Act (VPA) which provides mandating preference points for veterans applying for employment with political subdivisions, including school districts, as well as additional rights for veterans in the discharge process.

### II. GENERAL STATEMENT OF POLICY

- A. ~~It is the~~ The school district's policy is to comply with the VPA Minnesota law regarding veteran's preference rights and mandated ~~the mandating of~~ preference points to veterans and spouses of deceased veterans or disabled veterans.
- B. The school district's policy is also to comply with the VPA requirement that no covered veteran may be removed from public employment except for incompetency or misconduct shown after a hearing upon due notice and in writing. This paragraph does not apply to the position of teacher.
- B C. Veteran's preference points will be applied pursuant to applicable law as follows:
1. ~~There~~ A credit of five points shall be added to the competitive open examination rating of a non disabled veteran, who so elects, ~~a credit of five points~~ provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
  2. ~~There~~ A credit of ten points shall be added to the competitive open examination rating of a disabled veteran, who so elects, ~~a credit of ten points~~ provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
  3. ~~There~~ A credit of five points shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, ~~a credit of five points~~ provided that (a) the veteran obtained a passing rating on the examination without the addition of the credit points and (b) the veteran is applying for a first promotion after securing public employment.
  4. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

- € D. Eligibility for and application of veteran's preference, ~~and~~ the definition of a veteran, and the definition of a disabled veteran for purposes of ~~preference~~ this policy will be pursuant to the VPA ~~applicable law~~.
- Ð E. When notifying applicants that they have been accepted into the selection process, the school district shall notify applicants that they may elect to use veteran's preference.
- £ F. ~~It is the~~ The school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points, including teaching positions, whenever possible. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure for the teaching position will be granted an interview for the position.
- ƒ G. If the school district rejects a member of the finalist pool who has claimed veteran's preference, the school district shall notify the finalist in writing of the reasons for the rejection and file the notice with the school district's personnel officer.
- H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.
  1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
  2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.
- I. The VPA and the provisions of this policy do not apply to the position of private secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the school board or school district. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process, as set forth in Paragraph F., above.

**Legal References:** Minn. Stat. § 43A.11 (Veteran's Preference)  
 Minn. Stat. § 197.455 (Veteran's Preference Applied)  
 Minn. Stat. § 197.46 ~~et seq.~~ (Veterans Preference Act)  
*Hall v. City of Champlin*, 463 N.W.2d 502 (Minn. 1990)  
*Young v. City of Duluth*, 410 N.W.2d 27 (Minn. Ct. App. 1987)

**Cross References:** MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
~~MSBA Research Bulletin 91-6~~

The Forest Lake Area Schools encourages the use of school facilities by our school and community for a variety of purposes and for residents of all ages. It is the policy of the Forest Lake Area School District to permit the use of school facilities by residents of the school district. The policy also permits the use of school facilities by other individuals and organizations. However, the use of school facilities should not interfere with the various school programs. This policy will be administered by the Community Education Department with rental fees deposited in the General Fund. **The Community Education Department shall maintain the Facility Use Rental Fee Schedule which shall be subject to an annual review.**

**Non-profit status shall be in accordance with Internal Revenue Code, 26 U.S.C. 501(c)(3).**

**I. RENTAL FEES RENTAL GROUP CLASSIFICATIONS**

**A. NO RENTAL FEE CLASS I:**

1. **Forest Lake Area School District sponsored events and events by Forest Lake Area School District organizations including FLAS PTA/O/SAs and FLAS Booster clubs.**
2. **Governmental agencies operating within the Forest Lake Area School District boundaries. This includes City, Township and County public hearings, caucuses, elections, candidate forums, and other similar events.**
3. ~~Community non-profit youth groups with at least 80% of their participants living in the Forest Lake Area School District. There cannot be any fees, donations or concessions associated with these events.~~
4. ~~Community, Civic, Service and Non-Profit adult groups with at least 80% of their participants living in the Forest Lake Area School District. There cannot be any fees, donations or concessions associated with these events.~~
5. ~~Tax supported public agencies operating within the Forest Lake Area School District boundaries. This includes City, Township, County public hearings, caucuses, elections, candidate forums, and other similar events. There cannot be any fees, donations or concessions associated with these events.~~

**B. PARTIAL RENTAL FEES CLASS II:**

1. **Community Non-Profit Youth Groups within the Forest Lake Area School District. There cannot be any fees, donations or concessions**

~~associated with these events, which charge admission fees, accept donations or sell concessions at their event(s) will pay 50% of the full rental fee. This shall not include single baseball games at Schumacher Field.~~

2. Community, Civic, Service and Non-Profit adult groups **within the FLAS District. There cannot be any fees, donations or concessions associated with these events.** ~~, which charge admission fees, accept donations or sell concessions at their event(s) will pay 50% of the full rental fee.~~

3. ~~Local Community Groups with less than 80% of their participants living in this School District will pay 75% of the full rental fee.~~ **Forest Lake Area Schools Booster Clubs.**

4. ~~Local Business Groups will pay 75% of the full rental fee.~~

C. FULL RENTAL CLASS III:

1. ~~Church activities and/or religious services .~~ **Community non-profit youth and adult groups which charge admission fees, accept and/or solicit donations or sell concessions at their event.**

2. **Local business groups.**

3. Out-of-District organizations or groups.

4. Charter or Private Schools or **Educational Institutions.**

5. **All other groups or individuals not already specifically named.**

II. RULES AND REGULATIONS

A. School groups and school organizations will have first priority for the use of the school facilities providing they reserve facilities at least four weeks in advance through the Community Education Office.

B. Outside groups can make ~~their application for use of facilities at the Community Education Office, in the Forest Lake Area School District Building at 6100 North 210th Street, Forest Lake.~~ **a request to use district facilities by contacting the Community Education Office. Requests or changes will not be accepted unless they take place at least 24 hours before the requested facility use.**

C. Use of a building will be permitted only when an authorized permit (green sheet) has been presented to the custodian of the building (by the Community Education Office in advance, or by the user at their event).

- D. All non-school users of school facilities shall complete and sign a Hold Harmless Agreement.
- E. The School District ~~may also~~ requires **all facility use groups to provide proof of \$1,000,000 bodily injury and property damage** liability insurance ~~of up to \$1,000 property damage, \$100,000 per individual and \$300,000 per accident.~~
  - 1. ~~This insurance will be required of all groups charging admission to a public event for the purpose of raising funds in excess of costs incurred by the event.~~
  - 2. ~~Insurance is also required as determined by the Director of Community Education.~~
- F. In the case of large **or multiple** events the Community Education Department may also require a supervisor **and/or additional custodians** to be on duty and the cost will be billed to the rental group.
- G. The applicant shall assume responsibility for damages to property that occur during use of the facility by their group or participants.
- H. All groups using school facilities shall reimburse the district for all extra labor or costs incurred by the district due to their use of facilities.
- I. Use of school facilities shall be denied to any groups which violate Policy 427 Smoke/Tobacco Free Environment or Policy 422 Employee Alcohol and Other Drug Use.
- J. Tobacco, alcohol, ~~and~~ other chemicals **and weapons** are prohibited in all school buildings and on school grounds.
- K. A custodian is required to be on duty when a building is occupied.
- L. The custodian on regular duty shall not be required to provide direct supervision for any groups or activities during the custodian's normal forty hour week. ~~There are no custodial charges for groups unless custodial services are required.~~
- M. When a custodian is on overtime duty for a rental group, the custodian is required to be present to provide custodial services and ~~to assist the rental group~~ **and must be employed at the expense of the user.**
- N. A Food Service Department employee is required to be on duty whenever kitchen equipment is used or when the kitchen is to be used as a food preparation area. **This includes but is not limited to the high school dishroom and high school cafeteria concession area. If the group**

requesting to use school facilities intends to serve food or beverages of any kind at their event, this information must be shared with the facility use scheduler at the time the request for facility use is made to determine if there are additional custodial or food service needs or requirements.

- O. Audio-visual equipment may be used for a fee and when doing so a ~~D~~district-provided A.V. ~~T~~technician must be employed at the expense of the user.
- P. The Senior High School auditorium sound system and lighting equipment may be used for a fee and a ~~D~~district-provided A.V. ~~T~~technician must be employed at the expense of the user.
- Q. Buildings must be vacated by ~~10:00~~ 9:30 p.m. unless special permission is obtained from the Director of Community Education.
- R. Any problems with Forest Lake Area Schools personnel must be reported to the Community Education Office on the next working day.

III. SCHEDULE OF RENTAL FEES & OTHER CHARGES

~~There shall be a \$25.00 annual (July 1 — June 30) registration fee. At this time there is no fee for permit changes but we ask that you please keep them to a minimum.~~

~~Rental Fees (up to 4 hours use) (minimum 2 hours)~~

~~Refer to Draft A "Facility Use Rental Fees"~~

SENIOR HIGH SCHOOL

Auditorium	\$200.00
<del>—(with Stage Lighting and/or Sound System</del>	<del>\$450.00)</del>
Gym	\$240.00
Cafeteria	\$160.00
Kitchen	\$100.00
Classroom	\$ 60.00
Media Center	\$150.00
Outdoor Stadium	\$500.00
Outdoor Field	\$100.00
Schumacher Field	\$350.00

JUNIOR HIGH SCHOOL AND CENTRAL LEARNING CENTER

Gym	\$160.00
Cafeteria	\$120.00
Kitchen	\$ 80.00



Classroom	\$ 60.00
Media Center	\$120.00
Outdoor Field	\$ 50.00

ELEMENTARY SCHOOL

Gym	\$120.00
Cafeteria	\$100.00
Kitchen	\$ 60.00
Classroom	\$ 60.00
Media Center	\$ 90.00
Outdoor Field	\$ 30.00

NOTE: The Forest Lake Area Schools Swimming Pool, Ice Arena, parking lots, other outdoor grounds and computer labs will have an hourly rental rate as determined by the Director of Community Education.

Equipment Rental Charges ~~(August 31, 2010 - THIS SECTION IS YET TO BE UPDATED - Pending information from technology staff)~~

~~On availability basis~~

VCR with monitor	\$25.00 per use
Overhead projector	\$40.00 per use
Cordless Microphone	\$25.00 (with stand \$35) per use
Spotlight	\$25.00 per use
LCD Projector	\$40.00 per use
Choir Microphone	\$15.00 per use
Portable Sound System	\$50.00 per use

Personnel Charges

These charges are in addition to the rental fees.

• Food Service

Time and one half (or double time on Sundays and holidays) of the Senior High School Cook Manager.

• Custodial

Time and one half (or double time on Sundays and holidays) of the Senior High School Head Custodian. If custodians are on their regularly scheduled duty, there are no charges unless additional

~~services are required.~~

- ~~Supervisory~~

~~Designated rate of pay to be determined by the Director of  
Community Education.~~

- ~~A.V. Tech~~

~~Designated rate of pay to be determined by the Director of  
Community Education.~~

REVISED: 8/26/74  
12/05/77  
9/08/87  
2/5/90 (effective 3/01/90)  
5/16/95  
7/07/05

DRAFT Nov. 9, 2010

## Facility Use Rental Fee Schedule

(\*Class designations are described in recommended changes to 701 policy)

There shall be a \$25.00 annual (July 1 – June 30) registration fee. The fee will be assessed on the first rental agreement of the year. At this time there is no fee for permit changes but we ask that you please keep them to a minimum.

### Facility Use Hourly Rental Fees

(2 hour minimum)

Class I: No charge.

	<u>Class II</u>	<u>Class III</u>
<u>Elementary</u>		
Gym	\$6	\$30
Cafeteria	\$6	\$25
Kitchen	\$6	\$25
Classroom	\$3	\$15
Media Center	\$5	\$23
Outdoor Field	\$3	\$8
<u>Jr. High</u>		
Gym		
(*three at Century, *two at Southwest)	\$8	\$40
Cafeteria	\$8	\$30
Kitchen	\$5	\$25
Classroom	\$3	\$15
Media Center	\$6	\$30
Outdoor Field or Tennis Court	\$4	\$13
<u>Sr. High</u>		
Auditorium	\$12	\$50
*With Stage Lighting and /or Sound System	\$25	\$113
Gym	\$10	\$60
Cafeteria	\$8	\$40
Kitchen	\$6	\$25
Classroom	\$4	\$15
Media Center	\$6	\$38
Outdoor Stadium		
(Without lights)	\$25	\$125
(With lights)	\$25	\$150
Outdoor Field or Tennis Court		

(Without lights)	\$5	\$25
(With lights)	\$30	\$50
Schumacher Field		
(Without lights)	\$40	\$125
(With lights)	\$65	\$150

Note: The Forest Lake Area Schools Swimming Pool, parking lots, other outdoor grounds not specified herein will have an hourly rental rate as determined by the Director of Community Education.

Equipment costs (per day unless otherwise specified)

Podium \$10

Staging risers \$10 each 4' X 8'

LCD projector system w/hard wired DVD \$50 for 4 hours

Sound system only \$150

Sound and lights \$250

large projection screen \$25.

Set up for special lighting \$25/hour

Upright piano \$50

Grand piano \$150

Risers: \$25 for single or double. \$50 for full set

Sound Shells: \$35 for single or double. \$75 for full set

Overhead projector \$10

Digital projector (non-auditorium) \$25/4 hours

Non hardwired sound/lighting/technical equipment \$10/each

Computer lab \$20/hour

Computer lab tech cost \$32/hr

AV tech cost \$11/hr

District Portable Sound System \$80/4 hours (+ tech costs)

SMART Boards - *INFORMATION FORTH COMING*

Charges for other specialty items will be set as part of rental agreement as determined by the Community Education Director

Personnel Charges

These charges are in addition to the rental fees.

- Food Service

Time and one-half (or double time on Sundays and holidays) of the Senior High School Cook Manager.

- Custodial

Time and one-half (or double time on Sundays and holidays) of the Senior High School Head Custodian. If custodians are on their regularly scheduled duty, there are no charges unless additional

services are required.

- Supervisory

Designated rate of pay to be determined by the Director of  
Community Education.

Effective Date: \_\_\_\_\_

The following procedures and policies regarding the protection and privacy of parents and students are adopted by Independent School District No. 831, pursuant to the requirements of 20 U.S.C., ~~See: § 1232g, et seq., 45~~ 34 C.F.R., Part 99, and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. ~~15.1611 et seq.~~ **Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.**

I. DEFINITIONS

A. Biometric Record

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

B. Dates of Attendance

**“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student’s attendance at a school or schools in the school district.**

AC. Directory Information

“Directory Information” includes the following information relating to a student: The student’s name, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, videos and photographs of students in school buildings and at school activities, last known addresses and telephone numbers of alumni, year of graduation, and other similar information. **Directory information does not include a student’s social security number or a student’s identification number (“ID”).** Directory information does not include identifying data which references religion, race, color, social position, nationality, or date of birth.

BD. Education Records

“Education Records” means those records which are directly related to a student and are maintained by the School District.

1. The term does not include:
  - a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

- i. Are in the sole possession of the maker thereof;
  - ii. Are destroyed at the end of the school year; and
  - iii. Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a “substitute” means an individual who performs on a temporary basis the duties of the individual who made the records and does not refer to an individual who permanently succeeds the maker of the record in his or her position.
- b. Records relating to an individual, including a student, who is employed by the School District which:
- i. Are made and maintained in the normal course of business;
  - ii. Relate exclusively to the individual in that individual’s capacity as an employee; and
  - iii. Are not available for use for any other purpose.
- c. Records relating to an eligible student which are:
- i. Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, but not employed or compensated by the School District at the time the record is prepared or created;
  - ii. Created, maintained, or used only in connection with the provision of treatment to the student; and
  - iii. Not disclosed to anyone other than individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student’s choice. For the purpose of this definition, “treatment” does not include remedial educational activities or activities which are part of the program of instruction within the School District.
- d. Alumni records which contain only information relating to a person after that person is no longer a student in the School District and which do not relate to the person as a student **and that are not directly related to the individual’s attendance as a student.**

CE. Eligible Student

“Eligible Student” means a student who has attained eighteen years of age.

DF. Legitimate Educational Interest

“Legitimate Educational Interest” includes interests directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare. It includes a person’s need to know in order to perform an administrative task required in the school employee’s contract or position description approved by the School Board, perform a supervisory or instructional task directly related to the student’s education, perform a service or benefit for the student or the student’s family such as health care, counseling, student job placement, or student financial aid.

EG. Parent

“Parent” includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. The School District may presume the parent has the authority to exercise the rights provided herein unless it has been provided with evidence that there is a State law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.

FH. Personally Identifiable

“Personally Identifiable” means that the data or information includes the name of a student, the student’s parent, or other family member, the address of the student, a personal identifier, such as the student’s social security number, or student’s number **or biometric record, a list of personal characteristics which would make the student’s identity easily traceable or other information which would make the student’s identity easily traceable other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name.**

GI. Record

“Record” means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, file, microfilm, and microfiche.

HJ. Responsible Authority

“Responsible Authority” means the Superintendent of Schools.

IK. Student

“Student” includes any individual with respect to whom the School District maintains education records.

JL. School Official

“School Official” includes a person duly elected to the School Board; a person employed by the School Board in an administrative, supervisory, instructional or other professional position; a person employed by the School Board as a temporary substitute in a professional position for the period of his or her performance as a substitute; a person employed by or under contract to the



School Board to perform a special task such as a secretary, a clerk, an attorney, a **police liaison officer** or an auditor for the period of his or her performance as an employee or contractor.

**KM.** Summary Data

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

**LN.** All other terms and phrases shall be defined in accordance with applicable State and Federal Law or ordinary custom and usage.

**II.** IN GENERAL

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

**III.** STATEMENT OF RIGHTS

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

1. The right to inspect and review the student’s education record.
2. The right to exercise a limited control over other people’s access to the student’s education record.
3. The right to seek to correct the student’s education record; in a hearing if necessary.
4. **The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;**
45. The right to report violations of the Federal Law to the Department of Health, Education and Welfare.
56. The right to be informed about rights under the Federal Law.

- B. All rights and protections given parents under this policy transfer to the student when he or she reaches age 18 or enrolls in an institution of post-secondary education. The student then becomes an “eligible student”.

IV. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure:

- 1. The School District shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided herein.
- 2. Consent is not required under this section where the disclosure is to the parent of a student who is not an eligible student or the student himself or herself.
- 3. The written consent required by paragraph IV.A.1. must be signed and dated by the parent of the student or the eligible student given the consent and shall include:
  - a. A specification of the records to be disclosed;
  - b. The purpose or purposes of the disclosure;
  - c. The party or class of parties to whom the disclosure may be made; and
  - d. If appropriate, a termination date for the consent.

B. Eligible Student Consent

Whenever a student has attained eighteen years of age, or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student. **However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).**

C. Prior Consent for Disclosure Not Required

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

- 1. To school officials and their authorized staff within the School District, provided that they have a legitimate educational interest in such records;

2. **To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:**
  - a. **performs an institutional service or function for which the school district would otherwise use employees;**
  - b. **is under the direct control of the school district with respect to the use and maintenance of education records; and**
  - c. **will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.**
  
23. **To officials of other schools, or school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer and that the District will not further notify parents or eligible students prior to such a transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIV), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act. Upon request, the School District will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of these records;**
  
34. **To authorized representatives of the Comptroller General of the United States, other federal educational authorities as provided by 20 U.S.C. Sec. 1232g, and the Commissioner of the State Department of Education or his representative, subject to the conditions relative to such disclosure provided under Federal Law;**
  
45. **In connection with financial aid for which a student has applied or received;**
  
56. **To State and local officials or authorities to whom such information is specifically required to be reported or disclosed by state statute enacted prior to November 19, 1974;**
  
67. **To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction; provided that the studies are conducted in a**

manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organizations" includes, but is not limited to, Federal, State and local agencies, and independent organizations;

- 78. To accrediting organizations in order to carry out their accrediting functions;
- 89. To parents of a ~~dependent~~ student **eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes, as defined in Section 152 of the Internal Revenue Code of 1954;**
- 910. To comply with a judicial order or lawfully issued subpoena; provided that the School District makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance therewith; **and so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;**
- ±011. To appropriate parties, **including parents of an eligible student**, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. ~~Factors to be considered in determining disclosure include:~~ **The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into**

account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section IX.D. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate education interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as “directory information” pursuant to Section V of this policy.
14. To military recruiting officers and post-secondary educational institutions pursuant to Section \_\_ of this policy.
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
  - a. ~~The seriousness of the threat to the health or safety of the student or other individuals;~~
  - b. ~~The need for the information to meet the emergency;~~
  - e. ~~Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and~~
  - d. ~~The extent to which time is of the essence in dealing with the emergency.~~

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

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

18. **Information provided to the school district concerning sex offenders and other individuals required to register in accordance with the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and applicable federal guidelines.**
- D. The student's parents or the eligible student may obtain a copy of records disclosed under this provision.

V. RELEASE OF DIRECTORY INFORMATION

A. Directory information is public except as provided herein.

B. Former Students:

The School District may disclose directory information from the education records generated by it regarding an individual who is no longer in attendance within the School District **unless the former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time.**

C. Present Students:

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

1. Give public notice in a newspaper of general circulation of the categories of personally identifiable information which it has designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the School District in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent (except to the officials or agencies outlined in Section IV above).
3. **A parent or eligible student may not opt out of the directory information disclosures to prevent the school district from disclosing or requiring the student to disclose the student's name, identifier, or school district e-mail address in a class in which the student is enrolled.**
4. **The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section IV.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.**

D. Procedure for Obtaining Non-Disclosure of Directory Information:

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

1. Name of student;

2. Home address;
  3. School presently attended by student;
  4. Parent's legal relationship to student, if applicable; and
  5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent.
- E. The designation of any information as directory information about a student will remain in effect until it is modified at the written direction of the student's parent or the eligible student.

VI. DISCLOSURE OF PRIVATE RECORDS

A. Private Records:

For the purpose herein, education records are records which are classified as private data on individuals by State Law and which are accessible only to the student subject of the data and the student's parent if the student is not an eligible student. The School District may not disclose private records or their contents, except as summary data and except as provided in Section IV herein, without the prior written consent of the parent. **The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.**

B. Private Records Not Accessible To Parents:

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

1. Pursuant to Minn. Stat. 626.556. reports pertaining to neglected and physically or sexually abused children shall be accessible to appropriate welfare and law enforcement agencies and the subject individual alone. The School District shall not make such reports available to the parent.

VII. DISCLOSURE OF CONFIDENTIAL RECORDS

- A. Confidential records are those records and data contained therein which are made not public by State or Federal Law and which are inaccessible to the student and the student's parent.
- B. Records in the possession of the School District which include data on a student which is collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of commencement of a legal action shall be treated as confidential by the School District until such time as the provisions of Minn. Stat. ~~15.1611,~~



~~Subd. 2a, 13.01~~ no longer so classify that data.

**C. Reports Under the Maltreatment of Minors Reporting Act**

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

**D. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.**

**E. Chemical Abuse Records**

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

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

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

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

**A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military**

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

- B. Data released to military recruiting officers under this provision:**
- 1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and**
  - 2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.**
- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the Superintendent in writing by September 1 each year. The written request must include the following information:**
- 1. Name of student and parent, as appropriate;**
  - 2. Home address;**
  - 3. Student's grade level;**
  - 4. School presently attended by student;**
  - 5. Parent's legal relationship to student, if applicable;**
  - 6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and**
  - 7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.**
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.**

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

VIII X. LIMITATIONS ON REDISCLOSURE

- A. Consistent with the requirements herein, the School District may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made **or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section \_\_\_\_\_ of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.**
- B. Paragraph ~~VIII, §~~ A of this Section does not ~~preclude~~ **prevent** the School District from disclosing personally identifiable information under Section IV herein with the understanding that the information will be disclosed to other parties under that Section; provided that the recordkeeping requirements of Federal Law are met with respect to each of those parties.
- C. The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the School District.
- D. The School District shall, except for the disclosure of directory information under Section V, inform the party to whom a disclosure is made of the requirements set forth in paragraph ~~VIII, A~~ of this Section.

IXI RESPONSIBLE AUTHORITY, RECORD SECURITY, AND RECORDKEEPING

- A. Responsible Authority:  
The responsible authority for the maintenance and security of student records shall be the Superintendent of Schools.
  
- B. Record Security:  
The Principal of each school, subject to the supervision and control of the responsible authority, shall be the records manager of his/her school and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.
  
- C. The building Principal will submit to the responsible authority a written plan **with updates as needed** for securing student records ~~by September 1 of each school year.~~ The written plan shall contain the following information:
  - 1. A description of records maintained;
  - 2. Titles and addresses of person(s) responsible for the security of student records.
  - 3. Location of student records, by category, in the buildings;
  - 4. Means of securing student records; and
  - 5. Procedures for access and disclosure.

The responsible authority shall review these plans for compliance with law, this policy and the various administrative policies of the District. ~~He shall then promulgate a chart incorporating the provisions of paragraphs IX.C.1, IX.C.2, and IX.C.3 which shall be attached to and become a part of this policy.~~

- D. Recordkeeping
  - 1. The Principal shall for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student which indicates:
    - a. The parties who have requested or obtained personally identifiable information from the education records of the student;
    - b. The legitimate interests these parties had in requesting or obtaining the information;
    - c. The date of the request; ~~and~~
    - d. **The names of the state and local educational authorities and federal officials and agencies listed in Section IV.C.4. of this policy that may make further disclosures of personally**

**identifiable information from the student's education records without consent, and**

- de. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.
  
- 2. Paragraph IX.D.1 of this Section does not apply to requests by or disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, requests by or disclosures to school officials under paragraph IV.C.1 or to requests for or disclosures of directory information under Section V.
  
- 3. The record of requests and disclosures may be inspected:
  - a. By the parent of the student or the eligible student.
  - b. By the responsible authority and the building Principals who are responsible for the custody of the records.
  - c. By the parties authorized by law to audit the recordkeeping procedures of the School District.

**XII RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

- A. The School District shall permit the parent of a student or an eligible student who is or has been in attendance in the School District to inspect and review the education records of the student except those records which are made confidential by State or Federal Law **or as otherwise provided in Section VI of this policy**. The School District shall comply with a request immediately if possible, or within ~~five~~ **ten** days of the date of the request, excluding Saturdays, Sundays, and legal holidays. If the District cannot comply with the request within that time, the responsible authority shall so inform the requester and may have an additional five days within which to comply, excluding Saturdays, Sundays and legal holidays.
  
- B. The right to inspect and review education records under paragraph ~~IX.A~~ of this Section includes:
  - 1. The right to a response from the School District to reasonable requests for explanations and interpretations of the records; and
  
  - 2. The right to obtain copies of the records from the School District where failure of the School District to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.

3. Parents or eligible students shall submit to the School District a written request to inspect educational records which identifies as precisely as possible the record or records he or she wishes to inspect.
4. If a student's educational records are maintained in more than one location, the responsible authority may collect copies of records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the School District shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place when the records may be inspected.
5. If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.
6. The School District may presume that either parent of the student has authority to inspect and review the education records of the student unless the School District has been provided with evidence that there is a legally binding instrument, or a State Law or court order governing such matters as divorce, separation or custody, which provides to the contrary.
7. Fees of Copies of Records:
  - a. Copies of records shall be reproduced at a cost of 15 cents per page.
  - b. The cost of providing copies shall be borne by the parent or eligible student.
  - c. The responsible authority may waive this fee in whole or in part if he determines that failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review those records.
  - d. The School District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be from 15 cents to 35 cents (actual search, retrieval and copying costs) plus postage if that is involved.

XIII. REQUEST TO AMEND RECORDS: PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records:

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

misleading, incomplete or violates the privacy or other rights of the student may request that the School District amend them.

2. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, incomplete or in violation of the privacy or other rights of the student, shall state the reasons for this belief, and shall specify the correction the requestor wishes the District to make. The request shall be signed and dated by the requestor.
3. The responsible authority shall decide whether to amend the education records of the student in accordance with the request within ~~a reasonable period of time of receipt of the request, not to exceed~~ thirty (30) days **after receiving the request.**
4. If the responsible authority decides to amend the education records, the District shall attempt to notify past recipients of the data, including recipients named by the requestor.
5. If the responsible authority decides to refuse to amend the education records of the student in accordance with the request, he shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under paragraph XI.B.

B. Right to Hearing

1. If the responsible authority refuses to amend the education records of a student, the School District shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted in accordance with paragraph XI.C.
2. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing, and attempt to so notify past recipients of the data.
3. If, as a result of the hearing, the School District decides that the information is not inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with

the decision of the agency or institution.

4. Any explanation placed in the education records of the student under paragraph XI.B.3 of this Section shall.
  - a. Be maintained by the School District as part of the education records of the student as long as the record or contested portion thereof is maintained by the School District; and
  - b. If the education records of the student or the contested portion thereof is disclosed by the School District to any party, the explanation shall also be disclosed to the party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the School District has received the request, not to exceed forty-five (45) days, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.
2. The hearing may be conducted by any party approved by the School Board, including an official or employee of the School District who does not have a direct interest in the outcome of the hearing. The School Board attorney shall be in attendance to present the School District's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relevant to the issues raised under paragraph XI.A and XI.B herein and may be assisted by individuals of his or her choice at his or her own expense, including an attorney.
4. The designated hearing officer shall make a decision in writing within a reasonable period of time after the conclusion of the hearing; the decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.
5. The decision of the designated hearing officer shall be served upon each party and shall be the final decision of the School District.

D. Appeal:

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the State Administrative



Procedure Act, Minn. Stat., C. 15, relating to contested cases.

XIV. COMPLAINTS FOR NON-COMPLIANCE

~~Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. Sec. 1232g shall be submitted in writing to Family Educational Rights and Privacy Act Office, Department of Health, Education and Welfare, The Hubert H. Humphrey Building, Room 526F, Washington, D.C. 20201.~~

A. Where to File Complaints

**Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. § 1232g, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.**

B. Content of Complaint

**A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of 20 U.S.C. § 1232g and the rules promulgated thereunder has occurred.**

XIV. WAIVER

A parent or eligible student may waive any of his or her rights provided herein pursuant to ~~30~~ 20 U.S.C. Sec. 1232g. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The School District may not require such a waiver.

XVI. ANNUAL NOTIFICATION OF RIGHTS

- A. The School District shall give parents of students in attendance or eligible students in attendance annual notice by such means as are reasonably likely to inform them of the following:
1. Their rights under 20 U.S.C. Sec. 1232g, and 45 C.F.R., Part 99; the policy adopted under 45 C.F.R. Sec. 99.5 and the Minnesota Government Data Practices Act; the notice shall also inform parents of students or eligible students of the locations where copies of the policy may be obtained; and
  2. The right to file complaints under 45 C.F.R. Sec. 99.63 concerning alleged failures by the School District to comply with the requirements of 20 U.S.C. Sec. 1232g.

3. **That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.**
- B. The School District shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

XVII. DESTRUCTION AND RETENTION OF RECORDS

The destruction and retention of records by the School District shall be controlled by State and Federal Law.

XVIII. Copies of this policy may be obtained by parents and eligible students from the office of the Superintendent of Schools or by following the links to School Board policies on the district's website ([www.forestlake.k12.mn.us](http://www.forestlake.k12.mn.us)).

*Legal References:*

- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)**
- Minn. Stat. Ch. 14 (Administrative Procedures Act)**
- Minn. Stat. § 120A.22 (Compulsory Instruction)**
- Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)**
- Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)**
- Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)**
- Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)**
- Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)**
- Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)**
- 10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)**
- 18 U.S.C. § 2331 (Definitions)**
- 18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)**
- 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)**
- 20 U.S.C. § 6301 *et seq.* (No Child Left Behind)**
- 20 U.S.C. § 7908 (Armed Forces Recruiting Information)**
- 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)**
- 42 U.S.C. § 14071 (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)**
- 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)**

**34 C.F.R. § 300.610-300.627 (Confidentiality of Information)**  
**42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)**  
***Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)**

***Cross References:*** **Policy 522 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)**  
**Policy 435 (Drug-Free Workplace/Drug-Free School)**  
**Policy 515 (Discipline)**  
**Policy 504 (Interrogation of Students by Non-School Personnel)**  
**Policy 707 (Community Notification of Sex Offenders)**  
**MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)**

REVISED: 10/6/75  
REVISED: 5/19/81  
REVISED: 5/3/99  
REVISED: 7/10/00

*[Note: The use of this form requesting information about specific activities or behavior is mandated by statute. In addition, the school district is required to maintain such requests and a record of any release in the student's file.]*

**JUVENILE JUSTICE SYSTEM  
REQUEST FOR INFORMATION**

Family Educational Rights and Privacy Act  
Minnesota Government Data Practices Act, Minn. Stat. § 13.32, Subds. 3(i) and 8(b)

**DATE/TIME OF REQUEST:** \_\_\_\_\_

**TO:** \_\_\_\_\_  
(Superintendent of school district or chief administrative officer of school)

**FROM:** \_\_\_\_\_  
(Requester's name/agency)

**STUDENT:** \_\_\_\_\_

**BASIS FOR REQUEST:**

- \_\_\_\_\_ Juvenile delinquency investigation/prosecution
- \_\_\_\_\_ Child protection assessment/investigation
- \_\_\_\_\_ Investigation/filing of CHIPS or delinquency petition

**REASON FOR REQUEST:** (Requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RESPONSE TO REQUEST:**

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

**INFORMATION REQUESTED:** *(mark all that apply)*    **RESPONSE PROVIDED:** *(yes / no)*

Indicate whether you have data that document the student's:

- \_\_\_\_\_ Use of a controlled substance, alcohol, or tobacco \_\_\_\_\_
- \_\_\_\_\_ Assaultive or threatening conduct as defined in \_\_\_\_\_  
Minn. Stat. § 13.32, Subd. 8
- \_\_\_\_\_ Possession or use of weapons or look-alike weapons \_\_\_\_\_
- \_\_\_\_\_ Theft \_\_\_\_\_
- \_\_\_\_\_ Vandalism and damage to property \_\_\_\_\_

**CERTIFICATION:** The undersigned certifies that he or she is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that he or she understands that, by signing this request, he or she is subject to the penalties in Minn. Stat. § 13.09.

\_\_\_\_\_  
Signature/Title

*[Note: A principal or chief administrative officer of a school who receives such a request to disclose information about a student to the juvenile justice system shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten (10) days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the principal or chief administrative officer must respond to the data request.]*