

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

MSBA/MASA Model Policy 722  
Orig. 2017

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

## **722 PUBLIC DATA REQUESTS**

***[Note: School districts are required by statute to establish procedures consistent with the Minnesota Government Data Practices Act for public data requests.]***

### **I. PURPOSE**

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

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

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data.

### **III. DEFINITIONS**

#### **A. Government Data**

"Government data" means all recorded information that the school district has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

#### **B. Inspection**

"Inspection" means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment.

#### **C. Public Data**

"Public data" means all government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

#### **D. Responsible Authority**

"Responsible authority" means the individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.

#### **E. 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.

#### IV. REQUESTS FOR PUBLIC DATA

- A. All requests for public data must be made in writing directed to the responsible authority *via USPS mail OR email to publicdatarequest@olevialt.k12.mn.us.*
1. A request for public data must include the following information:
    - a. Date the request is made;
    - b. A clear description of the data requested;
    - c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
    - d. Method to contact the requestor (such as phone number, address, or email address).
  2. A requestor is not required to explain the reason for the data request.
  3. The identity of the requestor is public, if provided, but cannot be required by the government entity.
  4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- B. The responsible authority will respond to a data request at reasonable times and places as follows:
1. The responsible authority will notify the requestor in writing as follows:
    - a. The requested data does not exist; or
    - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or
      - (1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
      - (2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
    - c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.
  2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.

3. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

## **V. REQUEST FOR SUMMARY DATA**

- A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
  1. A request for the preparation of summary data must include the following information:
    - a. Date the request is made;
    - b. A clear description of the data requested;
    - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
    - d. Method to contact requestor (phone number, address, or email address).
- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
  1. The estimated costs of preparing the summary data, if any; and
  2. The summary data requested; or
  3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
  4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data.
- C. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

## **VI. COSTS**

- A. Public Data
  1. The school district will charge for copies provided as follows:
    - a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
    - b. More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.

- (1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).
- (2) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.

2. All charges must be paid for in cash in advance of receiving the copies.

**B. Summary Data**

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The school district may assess costs associated with the preparation of summary data as follows:
  - a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
  - b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

**Data Practices Contacts**

**Responsible Authority:**  
Superintendent of ISD 857  
100 County Road 25  
Lewiston MN 55952  
507-522-3401

public data request@lewalt.k12.mn.us

**Legal References:**

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

**Cross References:**

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

INDEPENDENT SCHOOL DISTRICT NO. 857  
**PUBLIC DATA REQUEST FORM**

**TO BE COMPLETED BY THE REQUESTOR**

REQUESTOR NAME (NOT REQUIRED):	PHONE NUMBER:*
ADDRESS:*	EMAIL ADDRESS:*
DATE OF REQUEST:	
DESCRIPTION OF THE INFORMATION REQUESTED: (attach additional page if necessary) <div style="text-align: center; font-size: 2em; font-family: cursive;">Keep in.</div>	
MANNER IN WHICH RESPONSIVE DATA IS TO BE PROVIDED:	
INSPECTION ONLY _____ COPIES ONLY** _____ BOTH INSPECTION AND COPIES _____ **	
**Inspection is free, but there is a charge for copies. Payment must be received before copies will be provided.	

**FOR OFFICE USE ONLY**

DATE REQUEST RECEIVED:	REQUEST RECEIVED BY:
DATE OF RESPONSE:	RESPONSE PROVIDED BY:

\* Requestor's name is optional. However, contact information is necessary to mail/email the data. Also, contact information is needed if the school district does not understand the request. We will not work on such a request until clarified.

**521 STUDENT DISABILITY NONDISCRIMINATION****I. PURPOSE**

- A. The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive the required free appropriate public education.

**II. GENERAL STATEMENT OF POLICY**

- A. Disabled students who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the school district to identify and evaluate learners who, within the intent of Section 504, need special services, accommodations, or programs in order that such learners may receive the required free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
1. has a physical or mental impairment that substantially limits one or more major life activities, or
  2. has a record of such impairment; or
  3. is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

**III. COORDINATOR**

Persons who have questions, or comments should contact the principal at the Elementary and Intermediate schools or the principal at the High School. These individuals are the school district's American's with Disabilities Act/Section 504 Coordinators. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

Adopted:	December 13, 1999
Revised:	March 13, 2006
Revised:	December 14, 2009
Revised:	January 9, 2012
Revised:	July 8, 2019

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

Cross References: MSBA Model Policy 402 (Disability Nondiscrimination)

## 101 LEGAL STATUS OF THE SCHOOL DISTRICT

### I. PURPOSE

It is a primary principle of this nation that the public welfare demands an educated and informed citizenry. The power to provide for public education is a state function vested in the state legislature and delegated to local school districts. The purpose of this policy is to clarify the legal status of the school district.

### II. GENERAL STATEMENT OF POLICY

- A. The school district is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The school district has been created for educational purposes.
- B. The legislature has authority to prescribe the school district's powers and privileges, its boundaries and territorial jurisdictions.
- C. The school district has only the powers conferred on it by the legislature; however, the school district's authority to conduct the business of the school district includes implied powers in addition to any specific powers granted by the legislature.

### III. RELATIONSHIP TO OTHER ENTITIES

- A. The school district is a separate legal entity.
- B. The school district is coordinate with and not subordinate to the county in which it is situated.
- C. The school district is not subservient to municipalities within its territory.

### IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT

- A. Funds
  - 1. The school district, through its school board, has authority to raise funds for the operation and maintenance of its schools, and authority to manage and expend such funds, subject to applicable law.
  - 2. The school district has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
  - 3. School district officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.



**B. Raising Funds**

1. The school district shall, within the limitations specified by law, provide by levy of tax necessary funds for the conduct of schools, payment of indebtedness, and all proper expenses.
2. The school district may issue bonds in accordance with the provisions of Minn. Stat. Ch. 475, or other applicable law.
3. The school district has authority to accept gifts and donations for school purposes, subject to applicable law.

**C. Property**

1. The school district may acquire property for school purposes. It may sell, exchange, or otherwise dispose of property which is no longer needed for school purposes, subject to applicable law.
2. The school district shall manage its property in a manner consistent with the educational functions of the district.
3. The school district may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.
4. School district officials hold school property as trustees for the use and benefit of students, taxpayers and the community.

**D. Contracts**

1. The school district is empowered to enter into contracts in the manner provided by law.
2. The school district has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minn. Stat. 465.71 or other applicable law.
3. The school district has authority to make contracts with other governmental agencies and units for the purchase, lease or other acquisition of equipment, supplies, materials, or other property, including real property.
4. The school district has authority to enter into employment contracts. As a public employer, the school district, through its designated representatives, shall meet and negotiate with public employees in an appropriate bargaining unit and enter into written collective bargaining agreements with such employees, subject to applicable law.

**E. Textbooks, Educational Materials, and Studies**

1. The school district, through its school board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The school district shall establish and apply the school curriculum.

**F. Actions and Suits**

The school district has authority to sue and to be sued.

Adopted: June 19, 2000

- Legal References: Minn. Const. art. 13, 1  
Minn. Stat. Ch. 123B (School Districts, Powers and Duties)  
Minn. Stat. Ch. 179A (Public Employment Labor Relations)  
Minn. Stat. 465.035 (Conveyance or Lease of Land)  
Minn. Stat. 465.71; 471.345; 471.6161; 471.64 (rights, powers, duties of political subdivisions)  
*Minnesota Association of Public Schools v. Hanson*, 287 Minn. 415, 178 N.W.2d 846 (1970)  
*Independent School District No. 581 v. Mattheis*, 275 Minn. 383, 147 N.W.2d 374 (1966)  
*Village of Blaine v. Independent School District No. 12*, 272 Minn. 343, 138 N.W.2d 32 (1965)  
*Huffman v. School Board*, 230 Minn. 289, 41 N.W.2d 455 (1950)  
*State v. Lakeside Land Co.*, 71 Minn. 283, 73 N.W.970 (1898)
- Cross References: MSBA Model Policy 201 (Legal Status of School Board)  
MSBA Model Policy 603 (Curriculum Development)  
MSBA Model Policy 604 (Instructional Curriculum)  
MSBA Model Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)  
MSBA Model Policy 705 (Investments)  
MSBA Model Policy 706 (Acceptance of Gifts)  
MSBA Model Policy 801 (Equal Access to Facilities of Secondary Schools)  
MSBA Service Manual, Chapter 3, Employee Negotiations  
MSBA Service Manual, Chapter 13, School Law Bulletin "F" (Contract and Bidding Procedures)

**103 COMPLAINTS - STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS****I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

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

Adopted: June 19, 2000

Revised: May 8, 2006

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

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

**304 SUPERINTENDENT CONTRACT, DUTIES AND EVALUATION****I. PURPOSE**

The purpose of this policy is to provide for the use of an employment contract with the superintendent, a position description and the use of an approved instrument to evaluate performance.

**II. GENERAL STATEMENT OF POLICY**

- A. The superintendent's contract shall be used to formalize the employment relationship and to specifically identify and clarify all conditions of employment with the superintendent.
- B. The specific duties for which the superintendent is accountable shall be set forth in a position description for the superintendent and shall be measured by a performance appraisal instrument approved by the school board in consultation with the superintendent. The school board shall use this instrument to periodically evaluate the performance of the superintendent.
- C. The school board may use the model contract approved by the boards of the Minnesota School Boards Association and the Minnesota Association of School Administrators as model instruments.

Adopted: April 9, 2001

Legal References: Minn. Stat. 123B.143 (Superintendent)

Cross References: MSBA Service Manual, Chapter 5, School Board-Staff Relationships (See Model Contract and Appraisal)

**401 EQUAL EMPLOYMENT OPPORTUNITY****I. PURPOSE**

The purpose of this policy is to provide equal employment opportunity for all applicants for school district employment and school district employees.

**II. GENERAL STATEMENT OF POLICY**

- A. It is the school district's policy to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status or veteran status. The school district also makes reasonable accommodations for disabled employees.

[Note: The Minnesota Human Rights Act defines "sexual orientation" to include "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." Minn. Stat. § 363A.03, Subd. 44.]

- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities or privileges of employment.
- D. It is the responsibility of every school district employee to follow this policy.
- E. Any person having any questions regarding this policy should discuss it with the Superintendent of Schools.

Adopted: December 13, 1999  
Revised: November 13, 2018

Legal References: Minn. Stat. Ch. 363 (Minnesota Human Rights Act)  
29 U.S.C. 621 et. seq. (Age Discrimination in Employment Act)  
29 U.S.C. 2615 (Family and Medical Leave Act)  
38 U.S.C. 4301 et seq. (Vietnam Era Veterans' Readjustment Assistance Act)  
38 U.S.C. 4211 et. seq. (Veterans' Reemployment Rights Act)

42 U.S.C. 2000e et seq. (Title VII of the Civil Rights Act)  
42 U.S.C. 12101 et seq. (Americans with Disabilities Act)

Cross References: MSBA Model Policy 402 (Disability Nondiscrimination)  
MSBA Model Policy 405 (Veteran's Preference)  
MSBA Model Policy 413 (Harassment and Violence)

**403 DISCIPLINE, SUSPENSION AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES****I. PURPOSE**

The purpose of this policy is to achieve the effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

**II. GENERAL STATEMENT OF POLICY**

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

**III. DISCIPLINE****A. Violation of School Laws and Rules.**

1. The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:
  - a. policies of the school district;
  - b. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
  - c. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

**B. Substandard Performance.**

1. An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

**C. Misconduct.**

1. Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:



- a. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
- b. neglect of duty;
- c. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
- d. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
- e. violation of the rights of others as provided by federal and state laws related to human rights.
- f. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
- g. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
- h. falsification of credentials and experience;
- i. unauthorized destruction of school district property;
- j. violation of the "Code of Ethics for Minnesota Teachers" as established by the Minnesota Board of Teaching or the DCFL Rule "3512.52 Code of Ethics for School Administrators" or community standards for ethics as it relates to other school district employees;
- k. immoral or otherwise inappropriate conduct which is detrimental to the employee's effective performance of his/her duties and/or hinders the effective operation of the school district's educational programs.

#### IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
  - 1. oral warning;
  - 2. written warning or reprimand;
  - 3. probation;
  - 4. disciplinary suspension, demotion or leave of absence with pay;
  - 5. disciplinary suspension, demotion or leave of absence without pay; and
  - 6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in paragraph A above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

#### V. PROCEDURES FOR ADMINISTERING POLICY

- A. In an instance where any form of discipline is imposed, the employee's supervisor will:
1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.
  2. Provide directives to the employee to correct the conduct or performance.
  3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee's personnel file.
  4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
  5. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. The school district retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements where applicable.

Adopted: January 24, 2000

Legal References: Minn. Stat. 123.34, Subd. 9 (Superintendent)  
Minn. Stat. 123.35, Subds. 5 and 6 (Employment and Discharge of Teachers and Employees)  
Minn. Stat. 125.12 (Teachers)  
Minn. Stat. 125.17 (Teacher Tenure)  
Minn. Stat. 125.121 (Coaches)  
Minn. Stat. 197.46 et. seq. (Veterans Preference Act)

Cross References: MSBA Service Manual, Chapter 5, School Board--Staff Relationships

**407 EMPLOYEE RIGHT TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES****I. PURPOSE**

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (Minn. Stat. 182.63, Subd. 2).

**II. GENERAL STATEMENT OF POLICY**

The policy of this school district is to provide information and training to employees who may be "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

**III. DEFINITIONS**

- A. "Commissioner" means the Commissioner of Labor and Industry.
- B. "Routinely exposed" means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:
  - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations or
  - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
  - 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or nonionizing.

- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.
- F. "Blood borne pathogen" means a pathogenic microorganisms that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

#### IV. TARGET JOB CATEGORIES

Annual training will be provided to all full and part-time employees who are "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

#### V. TRAINING SCHEDULE

- A. Training will be provided to employees before beginning a job assignment as follows:
1. Any newly-hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.
  2. Any employee reassigned to a work area where he or she is determined to be "routinely exposed" under the above guidelines.

Adopted: December 13, 1999  
Revised: June 8, 2009  
Revised: November 12, 2013

Legal References: Minn. Stat. Ch. 182 (Occupational Safety and Health)  
Minn. Rule 5205 (Safety and Health Standards)  
Minn. Rule 5206 (Employee right to Know Standards)  
29 C.F.R. § 1910.1050, App. B (Substance Technical guidelines)

Cross References: MSBA/MASA Model Policy 420 (Students and Employees with Sexually transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)  
MSBA/MASA Model Policy 807 (Health and Safety Policy)

**408 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE****I. PURPOSE**

The purpose of this policy is to protect the privacy rights of school district employees and students under both state and federal law when requested to testify or provide educational records for a judicial or administrative proceeding.

**II. GENERAL STATEMENT OF POLICY**

This policy is to provide guidance and direction for school district employees who may be subpoenaed to testify and/or provide educational records for a judicial or administrative proceeding.

**III. DATA CLASSIFICATION****A. Educational Data****1. State Law**

The Minnesota Government Data Practices Act (MGDPA), Minn. Stat. Ch. 13, classifies all educational data, except for directory information as designated by the school district, as private data on individuals. The state statute provides that private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data or a parent if the subject of the data is a minor.

**2. Federal Law**

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, provides that educational data may not be released, except pursuant to informed consent by the individual subject of the data or any lawfully issued subpoena. Regulations promulgated under the federal law require that the school district must first make a reasonable effort to notify the parent of the student, or the student if the student is 18 years of age or older, of the subpoena in advance of releasing the information pursuant to the subpoena.

**3. Personal Data**

The MGDPA, Minn. Stat. Ch. 13, also classifies all personnel data, except for certain data specifically classified as public, as private data on individuals. The state statute provides that private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data.

**IV. APPLICATION AND PROCEDURES**

- A. Any employee who receives a subpoena for any purpose related to employment is to inform the building administrator or designated supervisor when the employee receives the subpoena. The building administrator or designated supervisor shall immediately inform the superintendent that the employee has received a subpoena.
- B. No employee may release educational data, personnel data, or any other data of any kind without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data.
- C. Payment for attendance at judicial or administrative proceedings and the retention of witness and mileage fees is to be determined in accordance with the applicable school board policies and collective bargaining agreements.
- D. The administration shall not release any information except in strict compliance with state and federal law and this policy. Recognizing that an unauthorized release may expose the school district or its employees to civil or criminal penalties or loss of employment, the administration shall confer with school district legal counsel prior to release of such data.

Adopted: April 9, 2001  
Revised: February 8, 2010

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
20 U.S.C. 1232g (Family Educational Rights and Privacy Act)  
Minn. Rules 1205.0100, Subp. 5 (Minnesota Rules Regarding Data Practices)

Cross References: MSBA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records-Privacy-Access to Data)

409 EMPLOYEE PUBLICATIONS, INSTRUCTIONAL MATERIALS, INVENTIONS  
AND CREATIONS

I. PURPOSE

The purpose of this policy is to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

II. GENERAL STATEMENT OF POLICY

Unless the employee develops, creates or assists in developing or creating a publication, instructional material, computer program, invention or creation entirely on the employee's own time and without the use of any school district facilities or equipment, the employee shall immediately disclose and, on demand of the school district, assign any rights to publications, instructional materials, computer programs, materials posted on websites, inventions or creations which the employee develops or creates or assists in developing or creating during the term of employee's employment and for one year thereafter. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the school district relating to such publications, instructional materials, computer programs, materials posted on websites, inventions and/or creations, including domestic and foreign patents and copyrights.

III. NOTICE OF POLICY

The school district shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

Adopted: April 9, 2001  
Revised: December 14, 2009

Legal References: Minn. Stat. 181.78 (Agreements; Terms Relating to Inventions)  
17 U.S.C. §101 et seq. (Copyrights)

Cross References: