



POLICY:	208
ADOPTED:	11/17/97
REVISED:	10/24/22

FIRST READING: 11/18/24
SECOND READING: 12/09/24

I. Purpose

The purpose of this policy is to outline the development, adoption, and implementation of the policy making role of the school board and provide the means for it to continue to be an ongoing effort.

II. General Statement of Policy

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form sufficiently explicit to guide administrative action.

III. Development of Policy

- A. The school board has jurisdiction to legislate policy for the school district with the force and effect of law.
- B. The school board's written policies provide the basis for forming regulations by the administration.
- C. Policies may be proposed by a school board member, employee, student or resident of the school district. Proposed policies or ideas shall be submitted to the Policy Committee for review prior to possible placement on the school board agenda.

IV. Adoption of Policy

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings. ~~at the first meeting and up until the beginning of the second meeting where final school board action will be taken.~~
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board. The policy will be effective on the date of passage or unless otherwise specified. ~~or the date stated in the motion.~~
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included

in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.

- D. If a policy is modified because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

V. Implementation of Policy

- A. It shall be the responsibility of the superintendent to implement school board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review by the school board.
- B. The policies shall be made available to any persons via the district website or by written request for an electronic or paper copy.
- C. It shall be the responsibility of the superintendent, employees designated by the superintendent, and school board members to keep the policies current.
- D. When there is no school board policy in existence to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the Policy Committee may advise the school board of the need for a policy and present a recommended policy to the school board for approval.

~~E. When an administrative regulation is deemed necessary, the superintendent shall draft proposed administrative regulation and present the proposed regulation to the Policy Committee for review and comment. The Policy Committee shall complete the review and comment process, and notify the school board using an informational notification process.~~

VI. Policy Review Process

- A. The school board will review policies at least once every three years. The superintendent is responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board will review the following policies annually:

- 506 Student Discipline;
- 722 Public Data Requests;
- and 806 Crisis Management

- B. The review process will be the responsibility of the superintendent,

employees designated by the superintendent, and the Policy Committee.

- C. The review process will include the following steps:
1. Complete an external assessment - An assessment gaining input from outside the district (e.g., Minnesota School Board Association, Minnesota State Statutes, legal counsel, other school districts).
 2. Complete an internal assessment - An assessment gaining input from the district (e.g., Policy Committee, administration, employees, public).
 3. Develop recommended revisions, additions, deletions and/or further study proposals and present to the school board based on the completed assessments for a first and second reading for review at two separate board meetings.
 4. Approved policies will be made available on the district website or by written request for an electronic or paper copy.
 5. Policies not approved at a second reading shall be brought back to the Policy Committee for further review.
- D. All district policies are subject to an individual review, and policies may be added or amended based on need or change in law.

Legal References: Minn. Stat. § 123B.02, Subd. 1 (School District Powers)
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

Cross References: Policy 305 – Policy Implementation



**DISTRIBUTION OF NON-SCHOOL-SPONSORED MATERIALS
ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES**

POLICY:	505
ADOPTED:	05/17/04
REVISED:	04/26/21

FIRST READING: 11/18/24
SECOND READING: 12/09/24

I. Purpose

The purpose of this policy is to protect the exercise of students’ and employees’ free speech rights, taking into consideration the educational objectives and responsibilities of the school district.

II. General Statement of Policy

- A. The school district recognizes that students and employees have the right to express themselves on school property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, non-school-sponsored material.
- B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the school district, the school board adopts the following regulations and procedures regarding distribution of non-school-sponsored material on school property and at school activities.
- C. Definitions relating to nonschool sponsored materials on premises by students and employees can be found in Appendix I of this policy.

III. Guidelines

- A. Students and employees of the school district have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, non-school-sponsored material.
- B. Requests for distribution of non-school-sponsored material will be reviewed by the administration on a case-by-case basis. However, distribution of the materials listed below is always prohibited. Material is prohibited that:
 - 1. is obscene to minors;
 - 2. is libelous or slanderous;
 - 3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
 - 4. advertises or promotes any product or service not permitted to minors by law;

5. advocates violence or other illegal conduct;
 6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religious or ethnic origin);
 7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
- C. Distribution by students and employees of non-school-sponsored materials on school district property are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and manner of distribution, the administration will consider factors including, but not limited to, the following:
1. whether the material is educationally related;
 2. the extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;
 3. whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways;
 4. the quantity or size of materials to be distributed;
 5. whether distribution would require assignment of school district staff, use of school district equipment, or other resources;
 6. whether distribution would require that non-school persons be present on the school grounds;
 7. whether the materials are a solicitation for goods or services not requested by the recipients.

V. Time, Place, and Manner of Distribution

- A. No non-school-sponsored material shall be distributed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.

- B. Distribution of non-school-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school, and school parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
- C. No one shall coerce a student or staff member to accept any publication.
- D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

VI. Procedures

- A. Any student or employee wishing to distribute (as defined in this policy) non-school-sponsored material must first submit for approval a copy of the material to the principal 5 business days in advance of the desired distribution time, together with the following information:
 - 1. Name and phone number of the person submitting the request and, if a student, the room number of ~~their~~his or her first-period class.
 - 2. Date(s) and time(s) of day intended for distribution.
 - 3. Location where material will be distributed.
 - 4. If intended for students, the grade(s) of students to whom the distribution is intended.
- B. Within one school day, the principal will review the request and render a decision. In the event that permission to distribute the material is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.
- C. If the person submitting the request does not receive a response within one school day, the person shall contact the office to verify that the lack of response was not due to an inability to locate the person.
- D. If the person is dissatisfied with the decision of the principal, the person may submit a written request for appeal to the superintendent. If the person does not receive a response within three (3) school days (not counting Saturdays, Sundays and holidays) of submitting the appeal, the person shall contact the office of the ~~S~~Superintendent to verify that the lack of response is not due to an inability to locate the person.
- E. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.

VII. Disciplinary Action

- A. Distribution by any student of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with the school district's Student Discipline Policy.
- B. Distribution by any employee of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, school district policies and procedures, and/or governing statute.
- C. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called.

VIII. Notice of Policy to Students and Employees

A copy of this policy will be published in student handbooks and available in school buildings.

VIII. Implementation

The school district administration may develop any additional guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

Legal References: U. S. Const., amend. I
Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)
Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
Roark v. South Iron R-I School Dist., 573 F.3d 556 (8th Cir. 2009)
Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir 2011) cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)

Cross References: Policy 403 - Discipline, Suspension and Dismissal of School District Employees
Policy 424 - Employee Electronic Technologies Acceptable Use
Policy 506 - Student Discipline
Policy 512 - School-Sponsored Student Publications
Policy 524 - Student Electronic Technologies Acceptable Use
Policy 904 - Distribution of Materials on School District Property by

Non-school Persons

APPENDIX I

DEFINITIONS

A. “Distribute” or “Distribution” means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material in hard copy or by electronic distribution, or placing material in internal staff or student mailboxes.

B. “Non-school-sponsored material” or “unofficial material” includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks and other publications funded and/or sponsored or authorized by the school. Examples of non-school-sponsored materials include but are not limited to advertisements, coupons, leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects.

C. “Obscene to minors” means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;

2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

D. “Minor” means any person under the age of eighteen (18).

E. “Material and substantial disruption” of a normal school activity means:

1. Where the normal school activity is an educational program of the district for which student attendance is compulsory, “material and substantial disruption” is defined as any disruption which interferes with or impedes the implementation of that program.

2. Where the normal school activity is voluntary in nature (including, school athletic events, school plays and concerts, and lunch periods) “material and substantial disruption” is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

F. “School activities” means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.

G. “Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower that individual in the esteem of the community.



ENROLLMENT OF NONRESIDENT STUDENTS

POLICY:	509
ADOPTED:	05/21/90
REVISED:	06/28/21

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SECOND READING: 12/09/24

I. Purpose

The school district desires to participate in the Enrollment Options Program ([Open Enrollment](#)) established by [Minnesota Statutes, section Minn.Stat. § 124D.03](#). It is the purpose of this policy to set forth the application and exclusion procedures used by the school district in making said determination.

II. General Statement of Policy

A. Eligibility.

Applications for enrollment under the Enrollment Option (Open Enrollment) Law will be approved provided that acceptance of the application will not exceed the capacity of a program, excluding special education services; class; grade level; or school building as established by the school board in accordance with [Minnesota Statutes, section Minn.Stat. 124D.03](#); and that:

1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
2. in considering the capacity of a grade level, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of: (a) one percent of the total enrollment at each grade level in the school district; or (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with [Minnesota Statutes, section Minn.Stat. § 124D.03](#).

The school district will post the procedures used to set enrollment thresholds at each grade level online.

B. Standards that may be used for rejection of application.

In addition to the provisions of Paragraph II. A., the school district may refuse to allow a student who is expelled under [Minnesota Statutes, section Minn.Stat. § 121A.45](#) to enroll during the term of the expulsion if the student was expelled for:

1. possessing a dangerous weapon, including a weapon, device, instruments, material, or substance, animate or inanimate, that is used

for, or is readily capable of, causing death or serious bodily injury, with the exception of a pocket knife with a blade less than two and one-half inches in length, at school or a school function;

2. possessing or using an illegal drug at school or a school function;
3. selling or soliciting the sale of a controlled substance while at school or a school function; or
4. committing a third-degree assault involving another and inflicting substantial bodily harm.

C. Standards that may not be used for rejection of application.

The school district may not use the following standards in determining whether to accept or reject an application for open enrollment.

1. previous academic achievement of a student;
2. athletic or extra curricular ability of a student;
3. disabling conditions of a student;
4. a student's proficiency in the English language;
5. the student's district of residence, except where the district of residence is directly included in an enrollment options strategy included in an approved achievement and integration program; or
6. previous disciplinary proceedings involving the student. This shall not preclude the school district from proceeding with exclusion as set out in Section F of this policy.

D. Application.

The student and parent or guardian must complete and submit a School District Enrollment Options Program application developed by the Minnesota Department of Education in addition to completing all required enrollment documents as per ISD 199 enrollment requirements. The application is available on the Minnesota Department of Education's website (education.mn.gov). Go to "Students and Families," then, under "School Choice," select "Open Enrollment." The form is entitled, "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education."

E. Lotteries.

If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality where:

1. the student's resident district does not operate a school building;
2. the municipality is located partially or fully within the boundaries of at least five school districts;
3. the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
4. no other nonresident, independent, special, or common school district operates a school building within the municipality.

The school district will post the procedures for the lottery process on the district's website.

F. Exclusion.

1. Administrator's initial determination. If a school district administrator knows or has reason to believe that an applicant has engaged in conduct that has subjected or could subject the applicant to expulsion or exclusion under law or school district policy, the administrator will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should be initiated.
2. Superintendent's review. The superintendent may make further inquiries. If the superintendent determines that the applicant should be admitted, he or she will notify the applicant and the school board chair. If the superintendent determines that the applicant should be excluded, the superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the school district reserves the right to initiate exclusion procedures pursuant to Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

G. Termination of Enrollment.

1. The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to [Minnesota Statutes, section Minn. Stat. § 124D.03](#) or [124D.08](#) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under [Minnesota Chapter Minn. Ch. 260A](#), and the student's case has been referred to juvenile court. A "habitual truant" is a child under 17 years of age who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under [Minnesota Statutes, section Minn. Stat. § 120A.22, subdivision Subd. 8](#).
 2. The school district may also terminate the enrollment of a nonresident student over 17 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under [Minnesota Statutes, section Minn. Stat. § 120A.22, subdivision Subd. 8](#).
 3. A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the school district will send to the student's parents a written notice of the school district's belief that the student is not a resident of the school district. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the superintendent's designee. The superintendent or the superintendent's designee will make the final determination as to the residency status of the student.
- H. Notwithstanding the requirement that an application must be approved by the board of the nonresident district, a student who has been enrolled in a district, who is identified as homeless, and whose parent(s) or legal guardians moves to another district, or who is placed in foster care in another school district, may continue to enroll in the nonresident district without approval of the board of the nonresident district. The approval of the board of the student's resident district is not required.

Legal References: Minn. Stat. § 120A.22, Subd. 3(e) and Subd. 8 – Compulsory Instruction Residency Determined
~~Minn. Stat. § 120A.22, Subd. 8 – Withdrawal from School~~
Minn. Stat. § 121A.40 – 121A.56 – ~~The~~ Pupil Fair Dismissal Act
Minn. Stat. § 124D.03 - Enrollment Options Program
Minn. Stat. § 124D.08 - School Board Approval to Enroll in Nonresident District
Minn. Stat. § 124D.151- Voluntary Prekindergarten Program
Minn. Stat. § 124D.68 - ~~High School~~ Graduation Incentives Program
Minn. Stat. § 125A.13 - School of Parents’ Choice
Minn. Ch. 260A - Truancy
Minn. Stat. § 260C.007, Subd. 19 - Definitions Habitual Truant Defined
Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)
Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ., Co. No. A05-361, 2005 WL 3111963 (Minn. App. 20050 (unpublished))
18 U.S.C. 930, para. (g)(2) Definition of weapon
<https://www.co.dakota.mn.us/HealthFamily/Parenting/SchoolAttendance>

Cross References: Policy 506 - Student Discipline
MSBA/MASA Service Manual, Chapter 5, Various Educational Programs



SCHOOL ACTIVITIES

POLICY:	510
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I. Purpose

The purpose of this policy is to provide the parameters for establishing and participating in school activities.

II. General Statement of Policy

School activities provide additional opportunities for students to pursue special interests that contribute to their physical, mental and emotional well-being. They are of secondary importance in relationship to the formal instructional program; however, they complement the instructional program in providing students with additional opportunities for growth and development.

III. Responsibility

- A. The school board expects all students who participate in school-sponsored activities to represent the school and community in a responsible manner. All rules pertaining to student conduct and student discipline extend to school activities.
- B. The school board expects all spectators at school-sponsored activities, including parents, employees, students and other members of the public, to behave in an appropriate manner at those activities. Students and employees may be subject to discipline and parents and other spectators may be subject to sanctions for engaging in misbehavior or inappropriate, illegal or un-sportsman-like behavior at these activities or events.
- C. The superintendent or designee shall be responsible for disseminating information needed to inform students, parents, employees and the community of the opportunities available within the school activity program and the rules of participation.
- D. Those students who participate in Minnesota State High School League (MSHSL) activities must also abide by the league rules. Those employees who conduct MSHSL activities shall be responsible for familiarizing students and parents with all applicable rules, penalties, and opportunities.
- E. The activities director shall be responsible for conducting an annual evaluation of school activity programs and presenting the results to the superintendent and

- any necessary recommendations will be brought to the school board.
- F. The school board will ensure that any funds raised by the district for extracurricular activities will be spent only on extracurricular activities.

Legal References: Minn. Stat. § 123B.49 (Extracurricular Activities; Insurance)

Cross References: Policy 503 - Student Attendance
Policy 506 - Student Discipline
Policy 713 - Student Activity Accounting