



FOREST LAKE AREA SCHOOLS

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Teaching & Learning..... Diane E. Giorgi

January 13, 2017

TO: Eduardo Bautista
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FROM: Donna M. Friedmann 
Director of Administration & Human Resources

SUBJ: POLICY COMMITTEE MEETING

The next meeting of the Policy Committee will be held promptly @ 7:00 pm on Thursday, January 19, 2017, in the boardroom at the district office. The agenda for this meeting is enclosed. Please contact me at (651) 982-8123 if you are unable to attend this meeting.

DMF/kk

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 19, 2017 – 7:00 p.m. – District Office Boardroom

AGENDA

1. Bullying Prohibition Policy 541 – Annual Review
2. Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions Policy 426 – School Nurses are recommending that our policy be replaced with White Bear Lake’s policy
3. Propose deletion of Policy 534 – Use of “Developmentally Delayed” Disability Category
4. Short Term Classified Substitutes Policy 434

5. Consideration of Other Policies to be Scheduled for Review

6. Other Matters

7. Annual/Requested Policy Reviews

- Crisis Management Policy 538 (February 2017)
- Harassment and Violence Policy 425 (February 2017)
- Discipline Policy 515 (March 2017)
- Student Transportation Safety Policy 531 (April 2017)
- Family & Medical Leave Policy 428 (September 2017)
- Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (September 2017)
- Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (September 2017)
- Wellness Policy 546 (October 2017)
- Student Sex Nondiscrimination Policy 421 (October 2017)
- Technology Acceptable Use and Safety Policy 540 (November 2017)
- School Board Member Reimbursement Guidelines Policy 103A (November 2017)
- Out-of-State Travel by School Board Members Policy 103B (November 2017)
- Bullying Prohibition Policy 541 (January 2018)

8. Future Policy Review

- Naming of School Buildings or Portions Thereof Such as Naming a Gymnasium
- Random Drug Testing

9. Policies at School Board for Action:

- Special Education Records and Records Retention Policy 505A – Pending MN Historical Society Review
- Technology Acceptable Use and Safety Policy 540
- School Board Member Reimbursement Guidelines Policy 103A
- Out-of-State Travel by School Board Members Policy 103B
- Student Disability Nondiscrimination Policy 536

Changes
Pages 6 + 9

BULLYING PROHIBITION POLICY

541

I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's Discipline Policy 515. The school district may take into account the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.

Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

- G. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term, "bullying," specifically includes cyberbullying as defined in this policy.

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure

from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. "Student" means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE


- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, 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. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act;  the ~~student school district's~~ Discipline Policy 515 (~~See MSBA/MASA Model Policy 506~~) and other applicable school district policies; and applicable regulations.
- E. 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 who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 4. The incidence and nature of cyberbullying; and
 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing

conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its Use of Student Records Policy 505.

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student Discipline Policy 515 distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
* Minn. Stat. § ~~124D.10~~ Ch. 124E (Charter School)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References: Harassment and Violence Policy 425
Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522
Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414
Employee-Student Relationships Policy 409
Student Weapons Policy 532
Student Discipline Policy 515
Use of Student Records Policy 505
Student Disability Nondiscrimination Policy 536
Student Sex Nondiscrimination Policy 421
Technology Acceptable Use and Safety Policy 540
Hazing Prohibition Policy 431
Student Transportation Safety Policy 531

Adopted: 07/07/03
Revised: 03/08/07
Revised: 02/07/08
Revised: 03/05/09
Revised: 02/04/10
Revised: 03/03/11
Revised: 02/06/13
No Changes: 02/06/14
Revised: 03/05/15
No Changes: 03/03/16

**STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS
AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND
INFECTIOUS CONDITIONS**

I. PURPOSE

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis A, B, and C and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

II. GENERAL STATEMENT OF POLICY

A. Students.

~~It is that~~The policy of the school board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees.

~~It is that~~The policy of the school board is that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

C. Circumstances and Conditions.

1. Determinations of whether a contagious individual's school attendance or

STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS (continued)

job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.

2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions.

An appointed school official, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation.

Student participation in nonacademic, extracurricular and non-educational programs of the school district are subject to a requirement of equal access and comparable services. ~~Student educational services are subject to FAPE/LRE standards.~~

F. Precautions.

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration guidelines of the Minnesota Department of ~~Children, Families and Learning Education~~ Education and the Minnesota Department of Health (last revised 1988). (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's

STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS (continued)

employee right to know policy.)

G. Information Sharing.

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

H. Reporting.

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. Prevention.

The school district shall, with the assistance of the Commissioners of Health and ~~Children, Families and Learning~~ Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted

STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS (continued)

infection and disease risk reduction program;

8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease ~~prevention or~~ risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

J. Vaccination and Screening.

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings containment in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

Legal References: Minn. Stat. § 121A.23 (Health-Related Programs)
Minn. Stat. § 144.441-442 (Tuberculosis)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)
29 C.F.R. 1910.1030 (Occupational Exposure to Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), cert. denied, 493 U.S. 892, 110 S.Ct. 239 (1989)
School Board of Nassau County, Fla. v. Arline, 480 U.S. 273, 107 S.Ct. 1123 (1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990

Cross References: Disability Nondiscrimination Policy 432
Employee Right to Know Policy 411
Student Disability Nondiscrimination Policy 536

ADOPTED: 7/20/87
REVISED: 6/3/02



Kim Kolberg <kkolberg@flaschools.org>

Re: Policy 426

1 message

Darla John <djohn@flaschools.org>

Tue, Dec 20, 2016 at 4:09 PM

To: Kim Kolberg <kkolberg@flaschools.org>

Cc: Shannon Stachowiak <sstachowiak@flaschools.org>, Stephanie Kapfer <skapfer@flaschools.org>, Donna Friedmann <dfriedmann@flaschools.org>, Kelly Lessman <klessman@flaschools.org>

Kim,
We did review this and it seems very out-dated and wrong in many ways. We did a very quick look at some other districts and there seems to be a better way to word this information.
We did review Stillwater's policy and it is very similar to ours and in need of up-dating.
We have attached the White Bear policy that we reviewed and it seems to be more on track to today's views.

Stephanie, Shannon & Darla

On Fri, Dec 16, 2016 at 8:45 AM, Kim Kolberg <kkolberg@flaschools.org> wrote:

Policy 426 - Students & Employees with Sexually Transmitted Infections & Diseases & Certain Other Communicable Diseases & Infectious Conditions

Please review Policy 426 and get back to us with any recommended changes. I have already incorporated changes suggested by the Minnesota School Boards Association (see cross-outs and underlines). Let us know if you have any questions.

Thank you,
Kim Kolberg (651/982-8124)
Forest Lake Area Schools
Adm Asst to the Director of Admin & HR
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Darla S John, BSN, RN, LSN
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2 attachments

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Revised: May 9, 2005
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*White Bear Lake Area
School District #624 Policy 420*

420 STUDENTS AND EMPLOYEES WITH COMMUNICABLE OR INFECTIOUS DISEASES

I. PURPOSE

The school board will adopt measures effectively responding to health concerns regarding communicable or infectious diseases while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

II. GENERAL STATEMENT OF POLICY

A. Students

It is the policy of the school board that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established in consultation with community health and private health care providers by the school district in its IEP and Section 504 team process. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees.

It is the policy of the school board that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

C. Circumstances and Conditions

1. Determinations of whether an infected individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the person is

infectious), the severity of the risk (what is the potential harm to other people) and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student identified as having a disability, such a determination will be made in consultation with the Individuals Educational Planning (IEP) team.

2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious diseases than other persons infected with the same disease. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee. These considerations may be in consultation with the physician of the student or employee, the parent/guardian of the student, and/or with the Minnesota Department of Health.

D. Student with Special Circumstances and Conditions

The Director of Special Services, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic re-evaluation as deemed necessary by a Minnesota Department of Health epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals, taking into consideration guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with

those who have a legitimate educational (including health and safety) need to know and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.

2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

H. Reporting

If a student or staff member has a reportable communicable disease or their medical condition threatens public health, a report will be made to the county and state health departments.

I. Prevention

The school district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with the Minn. Stat. 121A.23.

J. Vaccination and Screening

The school district will follow the law and guidelines for immunization of students (Minnesota Statute Sec. 121A.15 and Minnesota Rules Chapter 4604).

Legal References: Minn. Stat.121A.15 (School Immunization Law)
Minn. Stat. §121A.23 (Health-Related Programs)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. §144.441-442 (Tuberculosis)
20 U.S.C. § 1400 *et seq.* (IDEA) (Individuals with Disabilities Employment Improvement Act of 2004)
29 U.S.C. 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C. §12101 *et seq.* (Americans with Disabilities Act)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.) *cert. denied*, 493 U.S. 892, 110 S. Ct. 239 (1989)
School Board of Nassau County, Fla. V. Arline, 480 U.S. 273, 107 S.Ct. 1123 (1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990

Cross References: WBLASB Policy 402 (Disability Nondiscrimination)
WBLASB Policy 407 (Employee Right to Know - Exposure to Hazardous Substances)
WBLASB Policy 521 (Student Disability Nondiscrimination)
WBLASB Policy 530 (Immunization Requirements)

PROCEDURES FOR POLICY 420: STUDENTS AND EMPLOYEES WITH COMMUNICABLE OR INFECTIOUS DISEASES

INCIDENT: INFECTIOUS DISEASE - EPIDEMIC / PANDEMIC

General Information

Definitions:

- A. **Epidemic** - An outbreak or unusually high occurrence of a disease or illness in a population or area. (May include: pertussis, mumps, meningitis, encephalitis, etc.)
- B. **Pandemic** - an epidemic that is geographically widespread; occurring throughout a region or even throughout the world. (May include: pandemic influenza, avian flu, SARS, etc.)

The information in this incident plan is a general overview of preparedness planning and early detection. The response to an epidemic incident or a pandemic incident will have a varying response depending on the type of disease/illness and how wide spread it is. County, state and federal public health agencies will become involved as cases are identified and geographical areas determined. The district is working with these officials to develop a complete preparedness and response plan.

Preparedness Hints:

- A. Protect yourself – wash hands, often, using soap and warm water.
- B. Cover your mouth when coughing or sneezing.
- C. Maintain a healthy life style, including eating healthy, getting exercise and getting enough rest. Maintain a good fluid intake.
- D. Use disinfectants or cleaning wipes on phones, desks, etc.
- E. Check with your doctor to ensure that your immunizations, including annual influenza immunization, are up to date. If not, get the appropriate immunizations.
- F. See Epidemic and Pandemic Checklists – provided in the “Appendix – Resource” section should be reviewed.

During School Hours

- A. Students or staff showing signs of illness will report to the Health Office. Health Office employees will use designated procedures, including the use of personal protective equipment, to evaluate person.
- B. Students or staff may be sent home or advised to see a doctor for further diagnosis or medical care.

PROCEDURES FOR POLICY 420: STUDENTS AND EMPLOYEES WITH COMMUNICABLE OR INFECTIOUS DISEASES

INCIDENT: INFECTIOUS DISEASE - EPIDEMIC / PANDEMIC

- C. The Health Office, through a reporting process with the St. Paul - Ramsey County Department of Public Health or Washington County Department of Public Health, (dependent on where the suspected or known cases reside), will track cases. **Guidelines “Selective Infectious Diseases of Children- School Reference”**, developed in collaboration with the St. Paul - Ramsey County Department of Public Health will be followed.
- D. The Health Office will notify the building administrator when the presence of the infectious disease or the number of cases reaches the reporting level for that disease. (Diseases Reportable to the Minnesota Department of Health)
- E. The school nurse or building administrator will notify the Director of Special Education (651-407-7552) and the Superintendent (651-407-7563) or Director of Schools (651-407-7567).
- F. The district will work with the local, county and state agencies.
- G. A determination will be made whether or not to cancel school and/or to send students home.
- H. Plans for long term school or district closing will be determined as needed.
- I. Designated District Administrator/Communications Coordinator will disseminate appropriate information to staff and students.
- J. The police department, in coordination with designated District Administrator/Communications, Coordinator will release information to media.
- K. Implement post-crisis procedures. (See: “Procedures – Post Crisis Review” section)

Incident Occurs After Hours:

If an outbreak happens inside our school facilities after school hours the following steps should be followed.

- A. **Call (9) 911.**
- B. Locate Assistant Head Engineer/Custodian (see: Appendix: Emergency Phone Numbers)
- C. Assistant Head Engineer/Custodian will contact building administrator.

If an outbreak happens in our community, not within our facilities, the building calling trees will be used to contact staff regarding procedures to follow. Students and families should watch media reports for school closings, these procedures will be similar to the current school closings – snow procedures that we use.

PROPOSE DELETION OF THIS POLICY:

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USE OF “DEVELOPMENTALLY DELAYED” DISABILITY CATEGORY

It shall be the policy of Independent School District No. 831, Forest Lake, to classify those students between ages 3-7 that it determines eligible to receive Individuals with Disabilities Education Act (IDEA) special education and related services under the wide “developmentally delayed” disability category. The fact that these students may be so classified will not affect the nature of the special education and related services the students receive. At all times the School District will continue to provide these students the free appropriate public education they are entitled to under IDEA.

Adopted: 3-1-99

Short-term substitutes are casual employees who are asked to provide additional help or to substitute for an employee on a leave that is short and/or temporary. Short-term substitutes are not eligible for benefits.

Wage rates:

Custodians	\$11.00
Food Service	\$11.00
Office and Instructional Support	\$11.00
Title I Assistants	\$11.00
Noon Duty Assistants	\$11.00
School Age Care Assistants	\$11.00
Family Center Teacher Assistants	\$11.00
Health Office Assistant / Student	
Health Assistant (LPN)	\$18.00
Temporary summer help	\$11.00

EXCEPTION TO WAGE RATE

When a regular employee of the district substitutes in another position in their current bargaining unit, that employee will receive his/her regular rate of pay during the time he/she is substituting. The period of time spent substituting is not combined with an employee's regular time for purposes of determining eligibility for benefits.

Adopted: 3/5/01
Revised: 6/2/05
Revised: 1/8/09
Revised: 2/5/15