



**FOREST LAKE AREA SCHOOLS**

6100 N 210th St • Forest Lake MN 55025

(651) 982-8100 • [www.flaschools.org](http://www.flaschools.org)

*Superintendent.....Dr. Steven D. Massey*  
*Administration & Human Resources ..... Donna M. Friedmann*  
*Business Services.....Lawrence A. Martini*  
*Community Education ..... Corey J. McKinnon*  
*Special Education..... Kelly J. Lessman*  
*Teaching & Learning..... Diane E. Giorgi*

September 14, 2018

TO: Colleen Barksdale  
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Kathryn Ungerecht  
Brad Ward  
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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, September 20, 2018, 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*  
*September 20, 2018 – 7:00 p.m. – District Office Boardroom*

**AGENDA**

1. Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 – Annual Review – No changes from MSBA
2. Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 – Annual Review – No changes from MSBA
3. Family & Medical Leave Policy 428 – Annual Review – No changes from MSBA
4. Community Use of School District Facilities & Equipment Policy 701 – Suggest Changes from Corey McKinnon
5. Use of Student Records Policy 505 – We may address issues with this policy.

6. Consideration of Other Policies to be Scheduled for Review

7. Other Matters

8. Annual/Requested Policy Reviews

- Student Sex Nondiscrimination Policy 421 (October 2018)
- Technology Acceptable Use and Safety Policy 540 (October 2018)
- School Board Member Reimbursement Guidelines Policy 103A (November 2018)
- Out-of-State Travel by School Board Members Policy 103B (November 2018)
- Student Transportation Safety Policy 531 (November 2018)
- Transportation Employee Drug & Alcohol Policy 430 (November 2018)
- Bullying Prohibition Policy 541 (December 2018)
- Crisis Management Policy 538 (December 2022 – 5 year recall)
- Harassment and Violence Policy 425 (January 2019)
- Discipline Policy 515 (March 2019)
- Wellness Policy 546 (April 2019)
- Family & Medical Leave Policy 428 (September 2019)
- Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (September 2019)
- Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (September 2019)

9. Future Policy Review

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

10. Policies at School Board for Action:

- Special Education Records and Records Retention Policy 505A – Pending MN Historical Society Review
- Sample Website Accessibility Policy 709 – Pending
- Standing Committees Policy 116 – Adopted 7/19/18

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

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

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

**III. DEFINITIONS**

- A. “Mandated Reporters” means any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.

- D. "Abuse" means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat § 626.5572, Subd. 2.
- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to

adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement or other caretaking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

#### IV. REPORTING PROCEDURES

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

- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

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

***Cross References:***

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)

MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

Policy 406 (Public and Private Personnel Data)

Policy 522 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

ADOPTED: 11/8/05

REVIEWED - NO CHANGES: 11/1/07

REVISED: 12/4/08

REVISED: 11/5/09

REVISED: 12/2/10

REVIEWED – NO CHANGES: 11/3/11

REVIEWED – NO CHANGES: 10/4/12

REVIEWED – NO CHANGES: 11/7/13

REVIEWED – NO CHANGES: 11/6/14

REVIEWED – NO CHANGES: 11/5/15

REVISED: 11/3/16

REVIEWED – NO CHANGES: 11/2/17

# CONFIDENTIAL DATA

## Maltreatment of Vulnerable Adults by School Personnel Reporting Form

Date Submitted \_\_\_\_\_ School District Name & Number \_\_\_\_\_  
 School Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Principal \_\_\_\_\_  
 School Phone Number (\_\_\_\_) \_\_\_\_\_

### REPORTER

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

### ALLEGED VULNERABLE ADULT VICTIM

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

### ALLEGED OFFENDER

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Home Phone Number (\_\_\_\_) \_\_\_\_\_ Work Phone Number (\_\_\_\_) \_\_\_\_\_

### Type of Maltreatment

Date of Incident \_\_\_\_\_ Time of Incident \_\_\_\_\_  
 Location \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_  
 Witness \_\_\_\_\_ Phone Number(\_\_\_\_) \_\_\_\_\_  
 Witness \_\_\_\_\_ Phone Number(\_\_\_\_) \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

School Investigation Information Included: Yes \_\_\_\_\_ Date to be sent \_\_\_\_\_  
 Were Police Notified: Y/N Date \_\_\_\_\_ Police Department \_\_\_\_\_  
 Contact Person \_\_\_\_\_ Phone Number (\_\_\_\_) \_\_\_\_\_

Please Contact Washington County Social Services Division – Adult Protection Reporting at  
 651/430-6484  
*Maltreatment information is confidential data.*



**MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL  
OR SEXUAL ABUSE**

522

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

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

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

**III. DEFINITIONS**

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
  - 1. is not likely to occur and could not have been prevented by exercise of due care; and
  - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).

- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
  - 1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
  - 2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so;
  - 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
  - 4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
  - 5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
  - 6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
  - 7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or

8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

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

- F. "Nonmaltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

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

Actions which are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child especially under age three; (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a

weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child especially under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- H. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- I. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.
- J. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- K. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

- L. “Person responsible for the child’s care” means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- M. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

#### **IV. REPORTING PROCEDURES**

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department. The reporter will include his or her name and address in the report.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- D. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

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

## **V. INVESTIGATION**

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent,

guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

## **VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE**

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The

notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

## **VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE**

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

## **VIII. DISSEMINATION OF POLICY AND TRAINING**

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

*Legal References:* Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)  
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
Minn. Stat. § 260C.007, Subd.4, Clause (5) (Child in Need of Protection)  
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)  
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)  
Minn. Stat. § 609.02, Subd.6 (Definitions – Dangerous Weapon)



Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)  
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)  
Minn. Stat. § 609.379 (Reasonable Force)  
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

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

ADOPTED: 12/15/75  
REVISED: 12/90  
REVISED: 07/07/05  
REVISED: 12/06/07  
REVISED: 12/04/08  
REVISED: 11/05/09  
REVISED: 12/02/10  
REVISED: 11/03/11  
REVISED (CHANGES TO REPORTING FORM ONLY): 10/04/12  
REVISED: 11/07/13  
REVISED: 11/06/14  
REVIEWED – NO CHANGES: 11/05/15  
REVISED: 11/03/16  
REVISED: 11/02/17

**Confidential Student Maltreatment  
Reporting Form**

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

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

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: \_\_\_\_\_ Mandated Reporter: Yes \_\_\_ No \_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

**ALLEGED OFFENDER**

Name: \_\_\_\_\_ Position: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: Male \_\_\_ Female \_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Ethnicity: \_\_\_\_\_ Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

**INCIDENT**

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

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

Witness Contact Information: \_\_\_\_\_

Police Notified: Yes \_\_\_ No \_\_\_ Police Department: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Case No.: \_\_\_\_\_

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

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

## I. PURPOSE

The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with parenting leave under state law.

## II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

## III. DEFINITIONS

A. "Covered active duty" means:

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

B. "Covered servicemember" means:

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

- C. “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee’s pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee’s fulfillment of his or her USERRA-covered service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district’s intention to rehire the employee after the break in service.
- D. “Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness.
- E. “Next of kin of a covered servicemember” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.
- F. “Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
1. a military medical treatment facility as an outpatient; or
  2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. “Qualifying exigency” means a situation where the eligible employee seeks leave for one or more of the following reasons:

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

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

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

I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

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

## IV. LEAVE ENTITLEMENT

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

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

- b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
  - (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
  - (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- 6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.
- 7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata

portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.

8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.
11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during



the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.

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

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

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

B. Twelve-week Leave under State Law

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

case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-six-week Servicemember Family Military Leave

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

## V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the work days in the leave period may be required to:
1. take leave for the entire period or periods of the planned medical treatment; or
  2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
  2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
  3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school district may require the employee to continue taking leave until the end of the semester.
- D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

## VI. OTHER

- A. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
- B. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

## VII. DISSEMINATION OF POLICY

- A. This policy shall be conspicuously posted in each school district building in areas accessible to employees.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

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

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

APPROVED: 12/1/05  
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REVIEWED (NO CHANGES MADE): 11/6/14  
REVISED: 11/5/15  
REVISED: 11/3/16  
REVIEWED (NO CHANGES MADE): 11/2/17

**I. PURPOSE**

- A. The purpose of this policy is to provide guidelines for community use of school district facilities and equipment. The district is committed to make available the use of school facilities to all citizens of the district. School district facilities rules and regulations, under this policy, shall apply to all property owned and managed by the school district and shall be in effect at all times when the school property is not in use for regular educational programs.

**II. GENERAL STATEMENT OF POLICY**

- A. Forest Lake Area Schools believes that the public schools are owned and operated by and for its patrons and that school buildings and facilities play an important role within the community. Therefore, the district encourages the maximum use of school facilities by our school and community for a variety of purposes and for residents of all ages. It is the policy of the Forest Lake Area School District to permit the use of school facilities by residents of the school district. The policy also permits the use of school facilities by other individuals and organizations. However, the use of school facilities should not interfere with various school educational programs.

**III. ADMINISTRATION OF POLICY AND POLICY REVIEW**

- A. This policy will be administered by the Forest Lake Area Schools Community Education Department. As such, the Forest Lake Area Schools Community Education Department will schedule and process all district facilities (buildings and grounds) before school hours, after school hours, evenings, weekends and non-school days. The district Forest Lake Area Schools Community Education Department will also approve user groups, communicate with buildings and grounds staff as well as the community; and also manage the revenue and expenses generated by facility use.
- B. The Forest Lake Area Schools Community Education Department, Buildings and Grounds Committee; and Policy Committee will review this policy, as needed. The Superintendent and Board of Education must approve all recommendations for changes associated with this policy.

**IV. INDEMNIFICATION, LIABILITY, AND INSURANCE**

- A. All commercial and nonprofit organizations that request the use of school district facilities must be organized in conformance with Minnesota Laws. Nonprofit status shall

mean that the group holds established nonprofit status according to the U.S. Internal Revenue Code or nonprofit status as determined by the State of Minnesota.

- B. Non-district organizations and commercial user groups are required to furnish public liability insurance. School district activities (i.e. E-12, extracurricular, co-curricular groups, community education services, etc.) and school-parent support groups and organizations (i.e. PTAs, PTOs, site councils, booster clubs and organizations) do not need to provide separate liability coverage.
- C. Organizations that request the use of school district facilities agree to defend, hold harmless and indemnify the district, its officers and employees, for all liabilities, costs, expenses, claims and damages which arise in connection with the conduct of activity on the premises by the authorized organization. The public liability must be for the duration that may be deemed necessary and suitable in the circumstances. The insurer must agree to waive the defense of governmental immunity in the event a claim is made against the district.
- D. Organizations that request the use of school district facilities must annually furnish the school district with a certificate of insurance, naming Forest Lake Area Schools as the certificate holder, thus confirming that the organization has purchased liability insurance. The insurance must be in the amount not less than \$1,000,000 for each occurrence. Each insurance company and the company writing the certificate of insurance are subject to approval by the district. Exceptions may be granted, but must be approved by the Director of Community Education, Director of Business Services, Superintendent, and/or designee of the district.
- E. Organizations that request the use of school district facilities agree to waive any right of recovery against the district, its officers and employees from any loss arising from the organization's use of the premises in this agreement.
- F. Users shall assume full responsibility for damages to the property that occur during the use of district facilities by their group and participants as well as assume full liability of any kind.

## **V. PRIORITY SCHEDULING FOR USE OF FACILITIES**

- A. Community use may be limited by the availability of authorized supervisory, custodial and technical personnel as well as equipment, maintenance, and other program schedules.
- B. For athletic groups, priority will be given to groups considered "in-season" as outlined by the Minnesota State High School League and as determined by the Director of Community Education or designee.
- C. The scheduling of district facilities is based on the following group priority list, the date a facility use application is received and a group's financial account status.

1. FLAS curricular, co-curricular, and extracurricular district-sponsored activities/events
2. FLAS Community Education activities/events
3. FLAS support organizations: PTAs, PTOs, site councils, booster clubs, and organizations authorized by district administration
4. Tax-supported public agencies operating within the school district: city and township public hearings, caucuses, elections, candidate forums, and other similar events
  - a) There cannot be any fees, donations, concessions or any other revenue-generating activities associated with these events
5. Nonprofit, youth-sponsored community service and youth-sponsored community recreation groups with a majority of participants residing in the district: youth service organizations, 4-H, scouts, local athletic associations, etc.
6. Nonprofit, adult-sponsored community groups with a majority of participants residing in the district
7. FLAS district residents holding private activities
8. Non-FLAS district nonprofit, youth-sponsored groups/organizations
9. Non-FLAS district nonprofit, adult-sponsored groups/organizations
10. Charter schools, private schools, commercial, non-district educational institutions, religious, and/or for-profit groups/organizations

## VI. FACILITY USE SCHEDULING, AVAILABILITY, APPLICATION PROCESS, AND PROCEDURES

- A. With the exception of the District Office, the Forest Lake Area Schools Community Education Department will schedule and process requests for community use of all district facilities and equipment on school days, non-school days and weekends.
- B. Individual schools and principals will maintain their internal building schedules during school hours the school day and during co-curricular hours on days when school is in session. The Forest Lake Area Schools Community Education Department will schedule and process all district facilities (buildings and grounds) before school hours, after school hours, evenings, weekends and non-school days. The activities office will also communicate all co-curricular facility use needs and changes to the Forest Lake Area Schools Community Education office.
- C. ~~With the exception of the District Office and Board Room, Community Education will process requests for community use of all district facilities and equipment on school days, non-school days and weekends.~~
- D. ~~In some circumstances, district buildings and facilities may be available on school days after school. In such cases, elementary buildings will be responsible for scheduling events before 3:30 PM (school days only) and secondary buildings will be responsible for scheduling events before 6:00 PM (school days only). All scheduling will be~~

~~communicated to the Community Education office for invoicing, record keeping, and communication purposes.~~

- E. Users interested in using school facilities should make such requests through Community Education at least ten (10) business days in advance by either completing an online facility use request or submitting a Facility Use Request Form. Completing an online facility use request or submitting a Facility Use Request Form, does not guarantee reservation. Community Education will then confirm classification, rental fees - if assessed, determine building and facility availability, and determine appropriate usage and duration of use of the facilities.

## **VII. PERMIT CHANGES, CANCELLATIONS, AND NO-SHOWS**

- A. When Forest Lake Area Schools are closed due to inclement weather or building emergencies, all facility use permits are canceled. Any fees charged to the user for such permits will be fully refunded if rescheduling the event/activity is not an option.
- B. Occasionally, permits for a scheduled event must be rescheduled or canceled by the district to accommodate unforeseen events or emergency changes in school functions. All permits are revocable and should be considered a lease. If such a conflict occurs, every effort will be made to relocate and/or reschedule the activity.
- C. Permits are non-transferrable and are restricted to the stated hours, locations, and intended use of the facility as stated on the Facility Use Permit. The user is responsible for notifying Community Education when his/her group wants to make changes to a confirmed permit. Extensive revisions made by the user to facility use permits may result in a \$5 rescheduling fee per revision.
- D. Cancellations, additions, and/or changes to a permit shall be communicated (sent and received) to Community Education and be made not less than 48 hours (2 business days) in advance of the scheduled rental. Groups not giving a 48 hour (2 business days) notice of cancellation on any permit may be assessed the normal hourly rental rate.

## **VIII. GENERAL RULES, GUIDELINES, AND EXPECTATIONS**

- A. Tobacco, alcohol, other controlled substances, and weapons are prohibited in all school district buildings and on all school grounds. Use of school facilities shall be denied to any groups which violate Policy 427 Tobacco-Free Environment and/or Policy 422 Employee Alcohol and Other Drug Use.
- B. Individuals and groups should confine themselves to the location of the facility listed on the Facility Use Permit.



- C. Any apparatus or other equipment moved into a building must have prior approval and must be removed promptly so as not to interfere with the E-12 school program.
- D. All activities shall be limited to any activity that does not inherently damage the facility, its structure, or the equipment located on-site.
- E. Users should check permanent equipment and facilities at the start of usage to determine any previous damage. Such damages should be documented and shown to a district building employee. All users assume financial and/or legal responsibility for damages that occur due to their neglect, inappropriate behavior, and/or inappropriate activities and will be responsible for any items damaged, lost, or stolen from the school district facilities.
- F. Chairs, AV equipment, and other materials within a classroom, gym, etc. shall be returned to their original placements at the conclusion of the activity/event. Also, the reserved space should be left clean and in the same condition found upon arrival.
- G. Facility Use Permit holders may be billed for emergency repair and/or cleaning supplies and personnel associated with spills, damages, etc.
- H. No food and/or beverage(s) are allowed inside school district buildings unless advance approval is granted in designated areas. Arrangements to serve refreshments will be made with Community Education staff prior to the event.
- I. The use of smoke machines, fog machines, bubble machines, etc. are prohibited as they may set off fire alarms.
- J. When moving equipment, users must use proper carts, wheels, etc. that does not cause damage to the facility. Damage to any facility will be paid at the user's expense.
- K. Users are permitted to use the facility for the time scheduled. Users are not permitted to arrive early or stay beyond the times reserved and documented in the Facility Use Permit.
- L. All building and district safety protocols, policies, and procedures must be followed at all times. This includes, but is not limited to: fire evacuation procedures, lockdown procedures, and tornado safety procedures. Failure to uphold school district policies and procedures may result in future permits being refused and/or revoked.
- M. The school district reserves the right to refuse or approve the use of certain school facilities when it determines it would be in the best interest of the community to do so.
- N. Failure to comply with Facility Use Rules may result in future permits requiring a Forest Lake Area Schools district employee being assigned such supervision responsibilities at the user's expense. The school district building employee's responsibility will be to supervise the operation of the district facilities but will not be required to supervise a user group or its activities.

## **IX. SUPERVISION**

- A. A school district building employee capable of providing for the security of the school facility must be on duty whenever building facilities are being used. The “school district building employee” under this policy shall be limited to: custodian, Forest Lake Area Schools building supervisor, Forest Lake Area Schools Community Education staff, Forest Lake Area Schools district administrator, and/or co-curricular or extracurricular supervisors during the time they are supervising students assigned to their co-curricular or extracurricular assignment. Additional costs associated with facility use for the school district employee and other charges shall be billed to the user.
- B. Facility Use Permit holders are required to designate a permit holder supervisor(s) who must be present at all times while the activity is in session. The permit holder supervisor(s) will be responsible for ensuring competent and adequate adult supervision is provided for all activities at all times. Children under the age of 18 shall have adult supervision and at all times and in all locations. This includes hallways, washrooms, etc. Permit holder supervisor(s) should be the first to arrive and the last to leave the premises, to ensure adequate supervision.
- C. Failure to comply with Facility Use Rules may result in future permits requiring a Forest Lake Area Schools district employee being assigned such supervision responsibilities at the user’s expense. The school district building employee’s responsibility will be to supervise the operation of the district facilities but will not be required to supervise a user group or its activities.

## **X. OVERNIGHT USE**

- A. Overnight use of the facilities by outside user groups are not encouraged but are permitted by the district. Facilities may be used to house visitors for temporary use under the following conditions:
  - 1. The district will require a district building employee or a district building supervisor to be assigned to the building during facility use.
  - 2. The visiting agency or group with have a roster of all participants available at all times.
  - 3. No heating and other appliances of any type will be allowed (hotplates, hair dryers, etc.) except in those areas so designated in the Facility Use Permit (kitchen, restrooms, locker rooms, etc.).
  - 4. Facility Use Permit holders are required to designate a permit holder supervisor(s) who must be present at all times while the activity is in session. The permit holder supervisor(s) will be responsible for ensuring competent and adequate adult supervision is provided for all activities at all times. Children under the age of 18 shall have adult supervision and at all times and in all locations. This includes

hallways, washrooms, etc. Permit holder supervisor(s) should be the first to arrive and the last to leave the premises, to ensure adequate supervision.

5. The user group will assume liability for any accidents that occur on or in the facilities during the time identified on the Facility Use Permit.
6. Overnight facility use charges for personnel and rental rates will be determined by the district on a case-by-case basis.

- B. Failure to comply with Facility Use Rules may result in future permits requiring a Forest Lake Area Schools district employee being assigned such supervision responsibilities at the user's expense. The school district building employee's responsibility will be to supervise the operation of the district facilities but will not be required to supervise a user group or its activities.

#### **XI. RENTAL FEES, CUSTODIAL SERVICES, PERSONNEL, AND OTHER FACILITY USE CHARGES/FEES**

- A. Revenue received from fees associated with community use of school facilities and equipment are used to recover added costs such as personnel, preparation and/or maintenance of facilities and fields, utilities, equipment, cleaning, consumable supplies, and other district costs associated with use. In order to ensure that these costs are not absorbed by and/or impacting the district's K-12 general education fund, these costs are charged back to the user based on the classification listed in the FOREST LAKE AREA SCHOOLS COMMUNITY EDUCATION COMMUNITY USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT CLASSIFICATIONS AND FEE SCHEDULE.
- B. All classification placements, rental fees, custodial and/or personnel charges, and other facility use and equipment charges/fees are determined using the FOREST LAKE AREA SCHOOLS COMMUNITY EDUCATION COMMUNITY USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT CLASSIFICATIONS AND FEE SCHEDULE.
- C. In cases where it is in the best interest of the community and school district to do so, the school district reserves the right to determine adjustments to classification placements and/or rental fees. These determinations are at the discretion of the Director of Community Education, Director of Business Services, and/or Superintendent and are made on a case-by-case basis.

6/15/17

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

I. DEFINITIONS

A. Biometric Record

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

B. Dates of Attendance

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

C. Directory Information

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

D. Education Records

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

1. The term does not include:

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

- E. Eligible Student  
“Eligible Student” means a student who has attained eighteen years of age.
  
- F. Legitimate Educational Interest  
“Legitimate Educational Interest” includes interests directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare. It includes a person’s need to know in order to perform an administrative task required in the school employee’s contract or position description approved by the School Board, perform a supervisory or instructional task directly related to the student’s education, perform a service or benefit for the student or the student’s family such as health care, counseling, student job placement, or student financial aid.
  
- G. Parent  
“Parent” includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. The School District may presume the parent has the authority to exercise the rights provided herein unless it has been provided with evidence that there is a State law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.
  
- H. Personally Identifiable  
“Personally Identifiable” means that the data or information includes the name of a student, the student’s parent, or other family member, the address of the student, a personal identifier such as the student’s social security number or student’s number or biometric record, other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name.
  
- I. Record  
“Record” means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, file, digital medium, microfilm, and microfiche.
  
- J. Responsible Authority  
“Responsible Authority” means the Superintendent of Schools.
  
- K. Student  
“Student” includes any individual with respect to whom the School District maintains education records.
  
- L. School Official  
“School Official” includes a person duly elected to the School Board; a person employed by the School Board in an administrative, supervisory, instructional or other professional position; a person employed by the School Board as a temporary substitute in a professional position for the period of his or her

performance as a substitute; a person employed by or under contract to the School Board to perform a special task such as a secretary, a clerk, an attorney, a police liaison officer or an auditor for the period of his or her performance as an employee or contractor.

M. 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.

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

II. IN GENERAL

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

III. STATEMENT OF RIGHTS

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

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

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

IV. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure:

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

B. Eligible Student Consent

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

C. Prior Consent for Disclosure Not Required

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

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



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

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

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

of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate education interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as “directory information” pursuant to Section V of this policy.
14. To military recruiting officers and post-secondary educational institutions pursuant to Section IX of this policy.
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student’s full name, home address, telephone number, date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’ names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in

dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

- 18. Information provided to the school district concerning sex offenders and other individuals required to register in accordance with the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and applicable federal guidelines.

- D. The student's parents or the eligible student may obtain a copy of records disclosed under this provision.

V. RELEASE OF DIRECTORY INFORMATION

- A. Directory information is public except as provided herein.

- B. Former Students:

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

- C. Present Students:

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

- 1. Give public notice in a newspaper of general circulation of the categories of personally identifiable information which it has designated as

directory information.

2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the School District in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent (except to the officials or agencies outlined in Section IV above).
  3. A parent or eligible student may not opt out of the directory information disclosures to prevent the school district from disclosing or requiring the student to disclose the student's name, identifier, or school district e-mail address in a class in which the student is enrolled.
  4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section IV.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.
- D. Procedure for Obtaining Non-Disclosure of Directory Information:  
The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:
1. Name of student;
  2. Home address;
  3. School presently attended by student;
  4. Parent's legal relationship to student, if applicable; and
  5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent.
- E. The designation of any information as directory information about a student will remain in effect until it is modified at the written direction of the student's parent or the eligible student.

VI. DISCLOSURE OF PRIVATE RECORDS

A. Private Records:

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

B. Private Records Not Accessible To Parents:

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

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

VII. DISCLOSURE OF CONFIDENTIAL RECORDS

- A. Confidential records are those records and data contained therein which are made not public by State or Federal Law and which are inaccessible to the student and the student's parent.
- B. Records in the possession of the School District which include data on a student which is collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of commencement of a legal action shall be treated as confidential by the School District until such time as the provisions of Minn. Stat. no longer so classify that data.

C. Reports Under the Maltreatment of Minors Reporting Act

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

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

E. Chemical Abuse Records

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

only for the purposes and under the circumstances expressly authorized by law.

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

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

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

A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.

B. Data released to military recruiting officers under this provision:

1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the Superintendent in writing by September 1 each year. The written request must include the following information:

1. Name of student and parent, as appropriate;
2. Home address;
3. Student's grade level;
4. School presently attended by student;

5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, e-mail address, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

X. LIMITATIONS ON REDISCLOSURE

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



with respect to each of those parties.

- C. The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the School District.
- D. The School District shall, except for the disclosure of directory information under Section V, inform the party to whom a disclosure is made of the requirements set forth in paragraph A of this Section.

XI. RESPONSIBLE AUTHORITY, RECORD SECURITY, AND RECORDKEEPING

A. Responsible Authority:

The responsible authority for the maintenance and security of student records shall be the Superintendent of Schools.

B. Record Security:

The Principal of each school, subject to the supervision and control of the responsible authority, shall be the records manager of his/her school and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

- C. The building Principal will submit to the responsible authority a written plan with updates as needed for securing student records. The written plan shall contain the following information:

- 1. A description of records maintained;
- 2. Titles and addresses of person(s) responsible for the security of student records.
- 3. Location of student records, by category, in the buildings;
- 4. Means of securing student records; and
- 5. Procedures for access and disclosure.

The responsible authority shall review these plans for compliance with law, this policy and the various administrative policies of the District.

D. Recordkeeping

- 1. The Principal shall for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student which indicates:
  - a. The parties who have requested or obtained personally identifiable information from the education records of the student;

- b. The legitimate interests these parties had in requesting or obtaining the information;
  - c. The date of the request;
  - d. The names of the state and local educational authorities and federal officials and agencies listed in Section IV.C.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent, and
  - e. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.
2. Paragraph IX.D.1 of this Section does not apply to requests by or disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, requests by or disclosures to school officials under paragraph IV.C.1 or to requests for or disclosures of directory information under Section V.
  3. The record of requests and disclosures may be inspected:
    - a. By the parent of the student or the eligible student.
    - b. By the responsible authority and the building Principals who are responsible for the custody of the records.
    - c. By the parties authorized by law to audit the recordkeeping procedures of the School District.

## XII. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

- A. The School District shall permit the parent of a student or an eligible student who is or has been in attendance in the School District to inspect and review the education records of the student except those records which are made confidential by State or Federal Law or as otherwise provided in Section VI of this policy. The School District shall comply with a request immediately if possible, or within ten days of the date of the request, excluding Saturdays, Sundays, and legal holidays. If the District cannot comply with the request within that time, the responsible authority shall so inform the requester and may have an additional five days within which to comply, excluding Saturdays, Sundays and legal holidays.
- B. The right to inspect and review education records under paragraph A of this Section includes:

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

cents to 35 cents (actual search, retrieval and copying costs) plus postage if that is involved.

XIII. REQUEST TO AMEND RECORDS: PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records:

1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, incomplete or violates the privacy or other rights of the student may request that the School District amend them.
2. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, incomplete or in violation of the privacy or other rights of the student, shall state the reasons for this belief, and shall specify the correction the requestor wishes the District to make. The request shall be signed and dated by the requestor.
3. The responsible authority shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
4. If the responsible authority decides to amend the education records, the District shall attempt to notify past recipients of the data, including recipients named by the requestor.
5. If the responsible authority decides to refuse to amend the education records of the student in accordance with the request, he shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under paragraph XI.B.

B. Right to Hearing

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

past recipients of the data.

3. If, as a result of the hearing, the School District decides that the information is not inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the agency or institution.
4. Any explanation placed in the education records of the student under paragraph XI.B.3 of this Section shall.
  - a. Be maintained by the School District as part of the education records of the student as long as the record or contested portion thereof is maintained by the School District; and
  - b. If the education records of the student or the contested portion thereof is disclosed by the School District to any party, the explanation shall also be disclosed to the party.

C. Conduct of Hearing

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

5. The decision of the designated hearing officer shall be served upon each party and shall be the final decision of the School District.

D. Appeal:

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the State Administrative Procedure Act, Minn. Stat., C. 15, relating to contested cases.

XIV. COMPLAINTS FOR NON-COMPLIANCE

A. Where to File Complaints

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

B. Content of Complaint

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

XV. WAIVER

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

XVI. ANNUAL NOTIFICATION OF RIGHTS

A. The School District shall give parents of students in attendance or eligible students in attendance annual notice by such means as are reasonably likely to inform them of the following:

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

of 20 U.S.C. Sec. 1232g.

3. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

B. The School District shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

**XVII. DESTRUCTION AND RETENTION OF RECORDS**

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

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

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

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

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

REVISED: 10/6/75  
REVISED: 5/19/81  
REVISED: 5/3/99  
REVISED: 7/10/00  
REVISED: 5/5/11  
REVISED: 2/5/15  
REVISED: 3/1/18



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

**JUVENILE JUSTICE SYSTEM  
REQUEST FOR INFORMATION**

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

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

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

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

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

**BASIS FOR REQUEST:**

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

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

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

**RESPONSE TO REQUEST:**

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

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

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

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

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

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

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