



## Regular Meeting Agenda

Diamondhead Education Center  
200 W. Burnsville Parkway  
Burnsville, MN 55337  
August 15, 2017  
4:30 PM

Location: Superintendent's Conference Room

I. Welcome

II. Policy Changes

A. Policy 509: *Enrollment of Nonresident Students*

**Speaker(s):** Dave Watkins, Assistant Superintendent

**Description:** -Substantive changes suggested by MSBA

B. Policy 513: *Student Promotion, Retention, Acceleration and Program Design*

**Speaker(s):** Dave Watkins, Assistant Superintendent

**Description:** -Substantive changes suggested by MSBA

-A few minor revisions were made by Dave Watkins

C. Policy 525: *Violence Prevention*

**Speaker(s):** Dave Watkins, Assistant Superintendent

**Description:** -Substantive changes suggested by MSBA

D. Policy 602: *Organization of School Calendar and School Day*

**Speaker(s):** Dave Watkins, Assistant Superintendent

**Description:** -Nonsubstantive changes suggested by MSBA

E. Policy 614: *School District Assessment Program*

**Speaker(s):** Dave Watkins, Assistant Superintendent

**Description:** -Changes suggested by MSBA

-Minor revisions were made by Dave Watkins

III. New Policy

A. Policy 615: *Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students*

**Speaker(s):** Dave Watkins, Assistant Superintendent

**Description:** -Changes suggested by MSBA

-ISD 191 has not adopted this policy, yet.

IV. Review Policies

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District 191 welcomes members of the public to attend Board of Education meetings, work sessions and other public gatherings. However, public participation is allowed only during listening sessions, which are held before regular board meetings. Community members who wish to share their thoughts and opinions on meeting topics should contact the Superintendent's office at 952-707-2005 to schedule a meeting with the Superintendent or member of her leadership team.

A. 208	Development, Adoption, and Implementation of Policies	3
B. 209	Code of Ethics	6
C. 211	Criminal or Civil Action Against School District, School Board Member, Employee, or Student	10
V.	Wrap Up	
VI.	Adjourn	

*Adopted:* 11/2003

*Burnsville-Eagan-Savage School District Policy 208*

*Reviewed:* 6/11/2015, 4/28/2016

*Revised:* 6/25/2015, 5/12/2016

*Rescinds:* BF

## **208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES**

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.

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

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

### **III. DEVELOPMENT OF POLICY**

- A. The school board has jurisdiction to legislate policy for the school district with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B. The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration.
- C. Policies may be proposed by a school board member, employee, student or resident of the school district. Proposed policies or ideas shall be submitted to the superintendent for review by the Policy Review Committee prior to possible placement on the school board agenda.

### **IV. ADOPTION OF POLICY**

- A. The school board shall give notice of proposed policy changes or adoption of new policies or repeal of existing policies by placing the item on the agenda of two regularly scheduled school board meetings. The proposals shall be distributed and public comment will be allowed at listening sessions prior to final school board action.
- B. The final action taken to adopt the proposed policy or repeal an existing policy shall be approved by a simple majority vote of the school board at a subsequent

meeting after the meetings at which public input was received. The adopted policy will be effective on the later of the date of passage or the date stated in the motion. A repealed policy will no longer be in effect on the later of the date of board action or the date stated in the motion.

- C. In the case of an emergency, a new or modified policy may be adopted or repealed by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption or repeal of the policy shall be included in the minutes. The emergency action shall expire within one year following the emergency action unless the policy adoption or repeal procedure stated above is followed and the policy adoption or repeal is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

## **V. IMPLEMENTATION OF POLICY**

- A. The superintendent shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent or designee shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. Employee and student handbooks shall be subject to annual review and approval by the school board.
- B. Policies adopted by the school board shall be posted to the school district's website using the codification system and format approved by the school board.
- C. The superintendent and designees are responsible to keep the digital policies current: <http://www.isd191.org/about-us/district-policies>.
- D. The school board shall review policies at least once every five years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one-fifth of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; 806 Emergency Operations Policy; and 208 Development, Adoption, and Implementation of Policies.
- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping

in mind the educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the action taken, the need for a policy, and will present a recommended policy to the school board for approval.

## VI. RESPONSIBILITIES

- A. Board Members—Discharge their governance responsibility through the adoption of policies that establish the focus, criteria, and parameters for decision-making by school district staff to ensure decisions made are congruent with school district goals and priorities.
- B. Board Policy Review Committee—Reviews recommended policies, prior to submitting to the full board for consideration, to ensure policies are within the scope of the school board’s authority and support the school district’s mission, vision, core values, and strategic direction.
- C. District Administrators—Are responsible for informing their subordinates of existing policies and administrative regulations and ensuring that all policies and regulations are implemented with fidelity.
- D. Staff—Are responsible for implementing all school board policies and administrative regulations with fidelity.
- E. Superintendent—Periodically reviews and evaluates all current policies, keeping the school board apprised of the need to revise or repeal existing policies or adopt new policies.

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

***Cross References:*** Burnsville-Eagan-Savage School District Policy 305 (Policy Implementation)

*Adopted: 10/1999*  
*Reviewed: 5/14/2015*  
*Revised: 5/28/2015*  
*Rescinds: BBF*

*Burnsville-Eagan-Savage School District Policy 209*

**209 CODE OF ETHICS**

**I. PURPOSE**

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

**II. GENERAL STATEMENT OF POLICY**

Each school board member shall follow the code of ethics stated in this policy.

**A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:**

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

**B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:**

1. Focus on education policy as much as possible.

2. Remember my responsibility is to set policy – not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.
5. Work through the superintendent – not over or around the superintendent.
6. Delegate the implementation of school board decisions to the superintendent.

C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
6. Insist that committees be appointed to serve only in an advisory capacity to the school board.

D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

E. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in hiring all employees.
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Insist the superintendent keep the school board adequately informed at all times.
7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.

4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

***Cross References:*** MSBA Service Manual, Chapter 1, School Board Member Code of Ethics

*Adopted: 8/1990*

*Burnsville-Eagan-Savage School District Policy 211*

*Reviewed: 05/14/2015*

*Revised: 5/28/2015*

*Rescinds: BCG*

## **211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT**

### **I. PURPOSE**

The purpose of this policy is to provide guidance as to the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

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

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreement and school district policies may also apply.
- D. A decision to seek legal advice or assistance shall normally be made by the superintendent or a designee. Such action shall occur as it is consistent with board policy or standard practice and meets an obvious need of the school district. The school board chair or chair's designee may seek legal advice directly from the school district's legal counsel in matters relating to the superintendent's contract, evaluation, performance, or employment.

### **III. CIVIL ACTIONS**

- A. Pursuant to Minn. Stat. § 466.07, Subd. 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that he or she was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.

B. Pursuant to Minn. Stat. §123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district shall provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.

C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, he or she is to inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official who is designated as the authority responsible for the collection, use, and dissemination of data.

D. Service of Subpoenas

The policy of the school district is that its officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

#### IV. CRIMINAL CHARGES OR CONDUCT

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.

3. Pursuant to Minn. Stat. § 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision as to whether to reimburse shall be made in the discretion of the school board. A school board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. In order to further that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless there are extenuating circumstances or the matter being investigated is school-related, or as otherwise provided by law.
2. If such questioning at school is unavoidable, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (Minn. Stat. § 626.556, Subd. 10), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. § 1232g (FERPA).

**V. STATEMENTS WHEN LITIGATION IS PENDING**

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or

named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
 Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel, Reimbursement)  
 Minn. Stat. § 123B.25(b) (Actions Against Teachers)  
 Minn. Stat. § 466.07, Subd. 1 (Indemnification)  
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
 42 U.S.C. § 1983 (Civil Action for Depriving Rights)  
 Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)  
 Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)  
*Dypress v. School Committee of Boston*, 446 N.E.2d 1099 (Mass. App. Ct. 1983)  
*Wood v. Strickland*, 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975)

**Cross References:** Burnsville-Eagan-Savage School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 Burnsville-Eagan-Savage School District Policy 406 (Public and Private Personnel Data)  
 Burnsville-Eagan-Savage School District Policy 408 (Subpoena of a School District Employee)  
 Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
 Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)  
 Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)