



**Future Ready. Community Strong.**

## **Regular Meeting Agenda**

Diamondhead Education Center  
200 W. Burnsville Pkwy  
Burnsville, MN 55337  
October 14, 2021  
6:30 PM

### Strategic Directions

- Close gaps and raise achievement for all students
- Create a culturally proficient school system
- Maximize resources for optimal student learning
- Increase the capacity for partnership with community

5:45 PM Board Listening Session with Directors Abigail Alt and Anna Werb

#### I. Call to Order

- A. Welcome
- B. Pledge of Allegiance

#### II. Approval of Agenda

#### III. Information

- A. Receive a Report about Additional Federal Funding 3  
**Speaker(s):** Dr. Theresa Battle, Superintendent, and Lisa Rider, Executive Director of Business Services
- B. Receive an Update about District 191's Efforts to Implement COVID-19 Related Educational and Public Health Guidance Issued by the MDE and the MDH, respectively 14  
**Speaker(s):** Dr. Theresa Battle, Superintendent
- C. Student Representative Report 15
- D. Superintendent Report 16
- E. Board Member Reports 17

#### IV. Business Meeting 18

##### A. Consent Agenda

**Description:** Although Board action is required, it is generally unnecessary to hold discussion on these items. In the event a Board member wishes to discuss an item, that item will be moved for separate consideration.

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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.

1. Approve Minutes	24
2. Approve Personnel Recommendations	26
3. Adopt a Resolution to Accept Donations	27
4. Receive a Report about the Listening Session	29
5. Approve Scheduling a Board Retreat on October 26, 2021, at 6:30 p.m. at Diamondhead Education Center	30
6. Approve, on a First Reading Basis, Non-Substantive Changes to Policy 514: Bullying Prohibition Policy	31
<b>B. New Business</b>	<b>42</b>
1. Adopt a Resolution Awarding the Sale of Bonds	43
<b>Speaker(s):</b> Lisa Rider, Executive Director of Business Services	
2. Approve, on a First Reading Basis, Changes to Policies 604: Instructional Curriculum, 612.1: Title I Family Engagement, and 620: Credit for Learning	89
<b>Speaker(s):</b> Imina Oftedahl, Director of Curriculum, Instruction and Assessment	
3. Approve, on a First Reading Basis, Changes to Policies 504: Student Dress and Appearance, and 506: Student Discipline,	102
<b>Speaker(s):</b> Brian Gersich, Assistant Superintendent	
4. Approve, on a First Reading Basis, Changes to Policy 208: Development, Adoption, and Implementation of Policies	125
<b>Speaker(s):</b> Dr. Theresa Battle, Superintendent	
<b>V. Adjourn</b>	



**Agenda III.A.  
October 14, 2021**

**To:** Board of Education

**From:** Lisa Rider, executive director of business services, and Dr. Theresa Battle, superintendent

**Date:** October 6, 2021

**Re:** Report about Additional Federal Funding

Receive a report from Lisa Rider, executive director of business services, and Dr. Theresa Battle, superintendent about Additional Federal Funding.



**ONE91**  
Burnsville · Eagan · Savage<sup>4</sup>



## **BURNSVILLE-EAGAN-SAVAGE**

**INDEPENDENT SCHOOL DISTRICT 191**

**Newest Federal Funding**

**Presenters: Dr. Theresa Battle, Superintendent, and  
Lisa Rider, Executive Director of Business Services**

***Future Ready. Community Strong.***

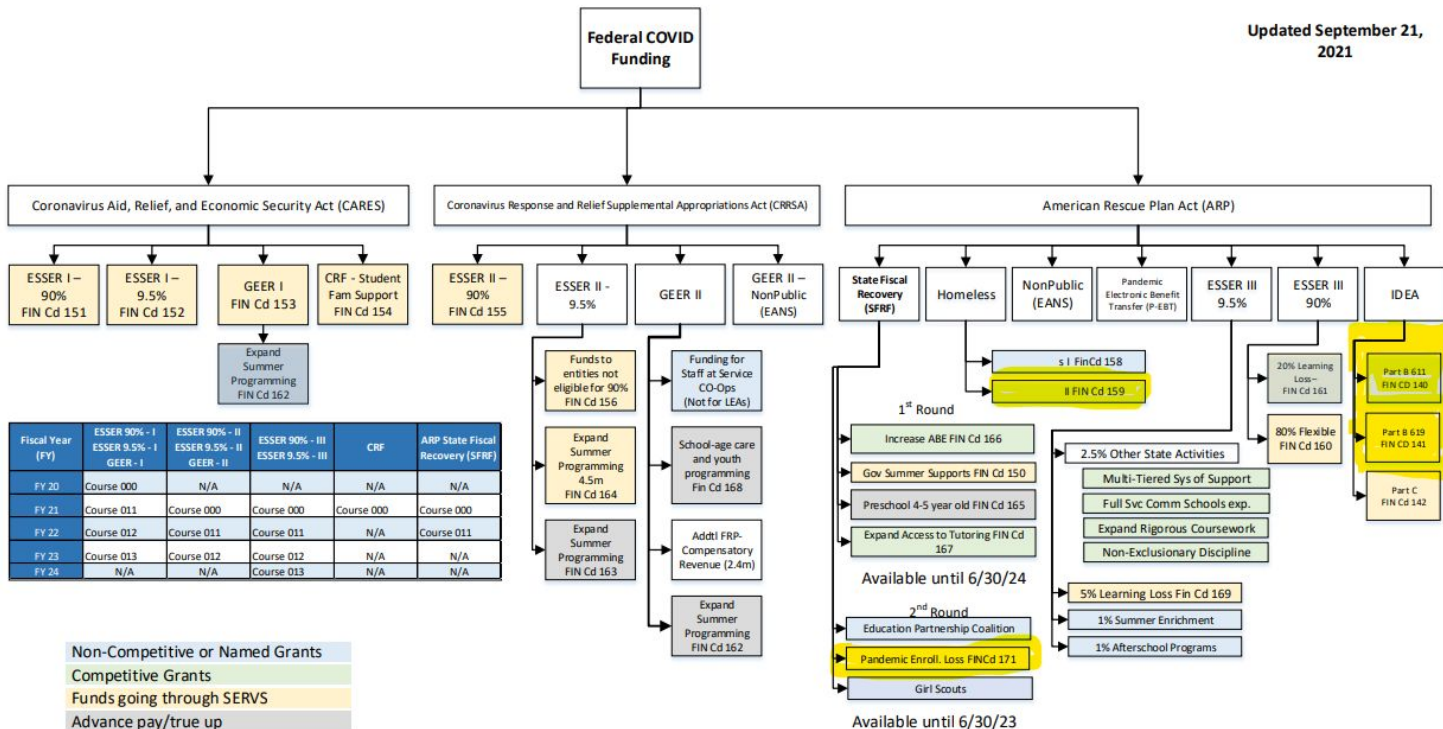
# Newest Federal Funding

- ❖ Homeless II
- ❖ COVID-19 Testing
- ❖ Part B 611 Special Education
- ❖ Part B 619 3-5 years old Special Education
- ❖ Pandemic Enrollment Loss
- ❖ Next Steps

# Newest Federal Funding

## Federal Relief Funds Summary

Updated September 21, 2021



Fiscal Year (FY)	ESSER 90% - I ESSER 9.5% - I GEER - I	ESSER 90% - II ESSER 9.5% - II GEER - II	ESSER 90% - III ESSER 9.5% - III	CRF	ARP State Fiscal Recovery (SFRF)
FY 20	Course 000	N/A	N/A	N/A	N/A
FY 21	Course 011	Course 000	Course 000	Course 000	Course 000
FY 22	Course 012	Course 011	Course 011	N/A	Course 011
FY 23	Course 013	Course 012	Course 012	N/A	N/A
FY 24	N/A	N/A	Course 013	N/A	N/A

- Non-Competitive or Named Grants
- Competitive Grants
- Funds going through SERVS
- Advance pay/true up

Signed into Law: March 27, 2020  
Eligible: to September 30, 2022 (CRF available through December 31, 2020)

Signed into Law: December 27, 2020  
Eligible: to September 30, 2023

Signed into Law: March 11, 2021  
Eligible: to September 30, 2024 (EANS available through September 30, 2023)

# Homeless II

AMERICAN RESCUE PLAN HOMELESS II (ARP)	
<b>ISD 191 Allocations:</b> \$56,236	<b>Spending Parameters:</b> <ul style="list-style-type: none"><li>❖ Immediate needs of children and youth experiencing homelessness<ul style="list-style-type: none"><li>➤ Must supplement and not supplant</li><li>➤ Any expense necessary to support the identification, enrollment, participation, and success of children and youth experiencing homelessness and to provide them with wrap-around services.</li><li>➤ Any of the sixteen allowable uses permitted by McKinney-Vento Act</li></ul></li></ul>
<b>Spending Timeline:</b> TBD	
<b>NEW</b>	
	<b>ISD 191 Expenditures:</b> <ul style="list-style-type: none"><li>❖ To be determined</li></ul>

# COVID-19 Testing

COVID TESTING GRANT	
<p><b>ISD 191 Allocations:</b> \$467,479.59</p> <p><b>Spending Timeline:</b> FY22</p> <p><b>NEW</b></p>	<p><b>Spending Parameters:</b></p> <ul style="list-style-type: none"> <li>❖ Personnel to support COVID-19 testing programs</li> <li>❖ Other items to support COVID-19 testing programs including                             <ul style="list-style-type: none"> <li>➤ Lab equipment; Collection supplies; Personal Protective Equipment; Hygiene and cleaning supplies; Hardware and Software necessary; Contract with others; Expenses associated with Outreach and assistance and Testing Events</li> </ul> </li> </ul> <p><b>ISD 191 Expenditures:</b></p> <ul style="list-style-type: none"> <li>❖ To be determined</li> </ul>

# Part B 611

PART B 611 Special Education Federal Funding	
ISD 191 Allocations: \$435,427.01	Spending Parameters: ❖ Still learning more
Spending Timeline: FY22	ISD 191 Expenditures: ❖ To be determined
NEW	

# Part B 619 Preschool Incentive Ages 3-5 Special Education Federal Funding

PART B 619 Preschool Incentive Ages 3-5 Special Education Federal Funding	
<p><b>ISD 191 Allocations:</b> \$36,589.37</p> <p><b>Spending Timeline:</b> FY22</p> <p><b>NEW</b></p>	<p><b>Spending Parameters:</b> ❖ Still learning more</p> <p><b>ISD 191 Expenditures:</b> ❖ To be determined</p>

# Pandemic Enrollment Loss

PANDEMIC ENROLLMENT LOSS SUPPORT	
<p><b>ISD 191 Allocations:</b> \$621,846</p> <p><b>Spending Timeline:</b> FY22</p> <p><b>NEW</b></p>	<p><b>Spending Parameters:</b></p> <ul style="list-style-type: none"> <li>❖ Meant to replace loss of revenue as a result of the drop in enrollment from FY20 to FY21. Funds come from flexible State Fiscal Stabilization funds in the American Rescue Plan. This is not a part of the ESSER Fund. Funds were determined by formula and will be distributed during the FY22.</li> </ul> <p><b>ISD 191 Expenditures:</b></p> <ul style="list-style-type: none"> <li>❖ To be determined</li> </ul>

# Next Steps

- Review appropriate uses for each funding source
- Review data to identify needs
- Vet uses for funds with COVID-19 Leadership Team
- Present uses to Board of Education
- Submit applications





**Agenda III.B.  
October 14, 2021**

**To:** Board of Education

**From:** Dr. Theresa Battle, superintendent

**Date:** October 6, 2021

**Re:** Update about District 191's Efforts to Implement COVID-19 Related Educational and Public Health Guidance issued by the Minnesota Department of Education (MDE) and Minnesota Department of Health (MDH)

Receive an update about District 191's Efforts to Implement COVID-19 Related Educational and Public Health Guidance issued by the MDE and MDH from Dr. Theresa Battle, superintendent.



**Agenda III.C.  
October 14, 2021**

**To:** Board of Education  
Dr. Theresa Battle, superintendent

**From:** Zoe Olson, student representative to the school board

**Date:** October 7 2, 2021

**Re:** Student Representative Report

Receive a report from Zoe Olson, student representative.



**Agenda III.D**  
**October 14, 2021**

**To:** Board of Education  
**From:** Dr. Theresa Battle, superintendent  
**Date:** October 7, 2021  
**Re:** Superintendent Report

Receive a report from Dr. Theresa Battle, superintendent.



**Agenda III.E.  
October 14, 2021**

**To:** Board of Education  
Dr. Theresa Battle, superintendent

**From:** Board Chair

**Date:** October 7, 2021

**Re:** Board Member Reports

Receive reports from board members.

## Board Meeting Date: October 14, 2021

### COVID-19 Board Report

PURPOSE: Provide an Update about District 191's efforts to implement COVID-19 related educational and public health guidance issued by the Minnesota Department of Education (MDE) and the Minnesota Department of Health (MDH), respectively.

#### Updates:

Local Data (MN, Dakota/Scott County and 191)

#### Weekly Case Rate per 10,000 by County

Both Dakota and Scott Counties are in high transmission.

Dakota is 244.04 and Scott is 251. 41% of cases are ages 30-39, 20% under age 12 and last year at this time this age group was 5% of cases.

MN's positivity rate is 7.8

#### Scott County School Ages

35.33% ages 12-19

46.67% ages 5-11

#### 191 case investigations

71 positive cases since start of the school year

2 weeks ago 21, last week 15 and this week 6

240 students quarantine or isolation

Last week BHS held a vaccination clinic and this week BAHS will host one.

#### Vaccination Percentages

**Dakota County - 65% have received 1 dose One91 staff:** We have record of 63% of 989 #191 employees covered under our health plan that have been vaccinated. This likely does not reflect all employees that have been vaccinated. Not all employees qualify for insurance. Some may be on other health plans. And, some may have been vaccinated through clinics that were free and did not request medical insurance information.

Considering these factors, we are probably close to the state average for ages 16+.

**Health and Safety Update (MDH):**

Minnesota COVID-19 Testing grant- our plan is to use for partnership with Dakota Child and Family Clinic, fund 3 contracted nurses and order testing through Vault. We have 250 staff interested in weekly testing and we will poll families and students to determine their interest in weekly testing.

**Instructional**

In light of a few Minnesota schools transitioning to distance learning due to COVID-19 spread, we have developed a One91 plan in case we must move to distance learning. Families, please look for a district email that will share information about what would happen if our schools need to transition to distance learning as a result of the pandemic. Parents will receive the specific plan for Early Learning, elementary schools, middle schools; Burnsville Alternative High School, Burnsville High School and BEST- our Transitions program

Overall, Blended learning plans have been established for PK-12+ as a short-term response.

Individual: Daily check and support with assignments and materials posted by classroom teacher

Classroom or Site: moves class to online learning with the classroom teacher with both synchronous and asynchronous instruction.

**Operational**

On October 1 MDE shared information regarding Food and Nutrition Services.

“Nationwide, the manufacturing and distribution industry is experiencing severe staffing and labor shortages as well as rising costs of materials and transportation. We sent a notice to families to anticipate that our menu choices may be impacted.

Also, MDE shared information regarding “Meals for Students that are in Quarantine or are Learning from Home due to COVID Related Closures -When there are cases or exposures that require students to temporarily shift to online learning at a student, class, grade, school, or district-wide level, participating districts and charter schools we are expected to continue to provide access to meals”.

One91 plan in discussion is to provide 191 Community Pantry Option -- FAMILIES -- ONE BAG PER FAMILY

- 5 school days (breakfast and lunch)
- 10 meals designed to serve family of 4
- Most meals require some prep

(Eg. Peanut butter and jelly with bread to make a sandwich, or open and heat soup in microwave)

We will continue to look for the pre-packaged meal options for the long term (which can use food services money as meals would be reimbursable). We hope to have the meal pick-up plan finalized by next week.

School Board Minutes  
 INDEPENDENT SCHOOL DISTRICT 191  
 September 23, 2021

The regular meeting of the Board of Education was called to order by Chair Miller at 6:30 p.m. The meeting was held at Diamondhead Education Center, 200 West Burnsville Parkway, Burnsville, MN, 55337. Call to Order

Directors Alt, Chester, Conner, Hume, Said, Werb and Miller were present. Superintendent Battle, Student Representative Zoe Olson, administrators, staff and members of the public were also present. Attendance

Miller welcomed the public and asked Chester to lead the Pledge of Allegiance. Pledge

Moved by Chester, seconded by Conner, to approve the agenda. The motion carried unanimously (7, 0). Agenda

Received a report about the ESSER III Fund from Lisa Rider, executive director of business services and Dr. Theresa Battle, superintendent. Reports

Received a report about the First Day of School from Dr. Theresa Battle, superintendent.

Received a report about Multilingual Learners from Maria Kreie Arago, coordinator of multilingual, & Imina Oftedahl, director of curriculum, instruction, and assessment education.

Received an update about District 191's Efforts to Implement COVID-19 Related Educational and Public Health Guidance Issued by the MDE and the MDH from Dr. Theresa Battle, superintendent.

Received committee reports from Chester on behalf of the Legislative Committee, Alt on behalf of the Policy Review Committee, Chester reported about ISD 917. Conner reported about AMSD and MSBA, and Hume reported about the Burnsville High School Hall of Fame.

Moved by Hume, seconded by Werb, to approve the consent agenda. Consent Agenda  
 -Approve minutes of the September 9, 2021, regular meeting. Minutes  
 -Approve personnel recommendations for John Peters, Laura Connell, Personnel  
 Megan Philipsek, Sophie Rabino, Jill Miller, Emily Goldsmith, Janelle Anderson, Kimberly Fritz, Holly Foldenaur, Anders Grahn, Angela Lobben, Diana Graves, Emma Ganion, Jamie Schonewill, Janell Pederson, Jarett Mosoti, Jonathan Dent, KayAnna Lawler, Muna Yasin, Shelley Wessman, Bryan Jensen, Derek Sather, Kimberly Ulrich, Megann Johnson, Molly Polding, Whitney Meyman, Angela Lobben, Susan Edmonson, Jennifer Lichliter, Nasir Awill, Sandra Toeller, and Patricia Maternowski.  
 -Adopt a resolution to approve and accept donations as presented.

- Approves July payroll checks in the net amount of \$4,308,820.49. July claims to date, wire transfers and adjustments totaling \$14,484,250.05. Also, that the Board accepts July receipts of \$3,718,743.52 and investments for the General Fund, 2015A School Building Bonds, and OPEB of \$66,018,751.89 as of July 31, 2021.
- Accept the Budget Analysis for the month ending July 31, 2021.
- Receive a report about the Listening Session on September 9, 2021.
- Approve, on a second Reading basis, changes to Policy 410: Family and Medical Leave Policy; New Policy 634: Electronic Technologies Acceptable Use Policy; and rescind Policy 524: Internet Acceptable Use and Safety Policy.
- Approve scheduling a Joint meeting with the City of Burnsville and ISD 191 on September 27, 2021, at 5:30 p.m. at the Ames Center, 12600 Nicollet Ave, Burnsville, MN, 55337.
- Approve scheduling a board retreat on September 30, 2021, at 6:30 p.m. at Diamondhead Education Center, 200 West Burnsville Parkway, Burnsville, MN.
- Approve PI (Physical Impairment) Adapted Athletics Co-op. The motion carried unanimously (7, 0).

Donations

Checks, claims, receipts and investments

Budget Analysis  
Listening Session

Policies

Special Meeting

Board Retreat

Moved by Chester, seconded by Said, to adopt a resolution appointing election judges for the November 2, 2021 school district special election. BE IT RESOLVED by the School Board of Independent School District No. 191, Dakota and Scott Counties, Minnesota (the "School District"), as follows:

PI

1. The individuals specified on EXHIBIT A attached hereto, each of whom is qualified to serve as an election judge, are hereby appointed as judges of election for the School District's special election on November 2, 2021 to act as such at the polling places listed on said exhibit.
2. The election judges shall act as clerks of election, count the ballots cast, and submit the results to the school board for canvass in the manner provided for other School District elections.

Appoint Election Judges

A roll call vote was taken and the motion carried unanimously (7, 0).

Moved by Werb, seconded by Alt, to approve the proposed revisions and re-adopt the unchanged language in the 2021-2023 Collective Bargaining Agreement with the Burnsville Food Services Association and Independent School District 191.

Food Services

The motion carried unanimously (7, 0).

The meeting adjourned at 8:18 p.m.

Adjourn

October 14, 2021

Scott Hume, clerk

Date approved

School Board Minutes  
INDEPENDENT SCHOOL DISTRICT 191  
September 27, 2021

The special joint session of the ISD 191 Board of Education and the City of Burnsville was called to order by Mayor Kautz at 5:31 p.m. The meeting was held at Ames Center, 12600 Nicollet Avenue, Burnsville, MN, 55337.

Call to Order

Board members present: Alt, Conner, Hume, Miller, and Said. Werb and Chester were absent. Council Present: D. Gustafson, E. Kautz, D. Kealey, and V. Workman. C. Schulz was absent. Mayor Kautz, Dr. Battle, M. Lee, M. Hamilton and J. Gessner were also present.

Attendance

The purpose of the workshop was partnership and collaboration.

Purpose

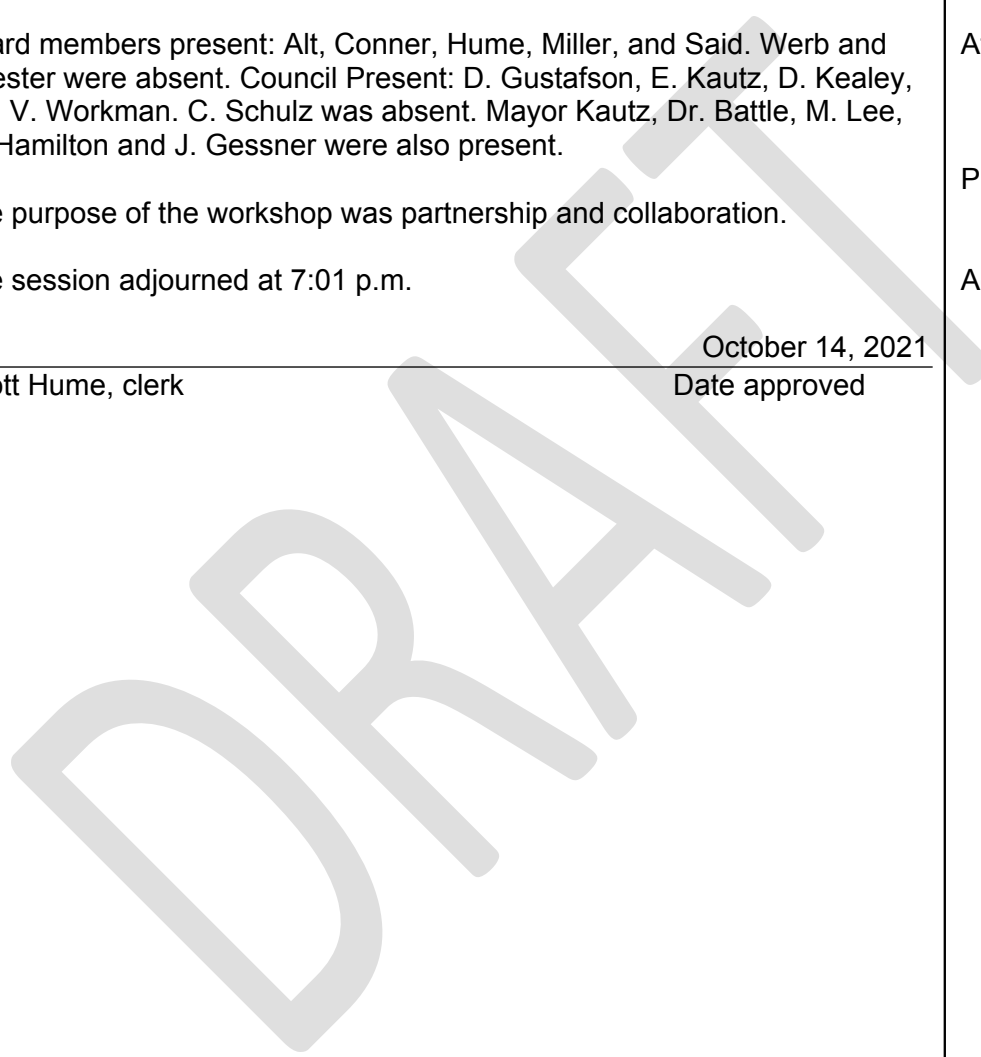
The session adjourned at 7:01 p.m.

Adjourn

October 14, 2021

Scott Hume, clerk

Date approved



School Board Minutes  
INDEPENDENT SCHOOL DISTRICT 191  
September 30, 2021

The special meeting of the Board of Education was called to order by Chair Miller at 6:00 p.m. The meeting was held at Diamondhead Education Center, 200 West Burnsville Parkway, Burnsville, MN, 55337.

Call to Order

Directors Hume, Chester, Alt, and Chair Miller were present. Werb and Conner were absent. Superintendent Battle and members of the staff were also present.

Attendance

Miller welcomed the public and asked Alt to lead the Pledge of Allegiance.

Pledge

Moved by Chester, seconded by Hume, to approve the agenda. The motion carried unanimously (4, 0).

Agenda

Said arrived at 6:04 p.m.

Moved by Alt, seconded by Chester, to certify the proposed property tax levy for taxes payable in 2022 and authorize the clerk to execute the levy certification forms in the "maximum amount" and to also schedule the Truth in Taxation Hearing on December 9, 2021, to be held during the regularly scheduled board meeting beginning at 6:30 p.m. The motion carried unanimously (5, 0).

Tax Levy Payable  
in 2022

The meeting adjourned at 6:05 p.m.

Adjourn

October 14, 2021

Scott Hume, clerk

Date approved

School Board Minutes  
INDEPENDENT SCHOOL DISTRICT 191  
September 30, 2021

The retreat of the Board of Education was called to order by Chair Miller at 6:30 p.m. The meeting was held at Diamondhead Education Center, 200 West Burnsville Parkway, Burnsville, MN, 55337.

Call to Order

Directors Alt, Chester, Conner, Said, and Chair Miller were present. Werb and Hume were absent. Superintendent Battle, Scott Peterson, and Dr. Hedy Walls were also present.

Attendance

The purpose of the retreat was board development.

Purpose

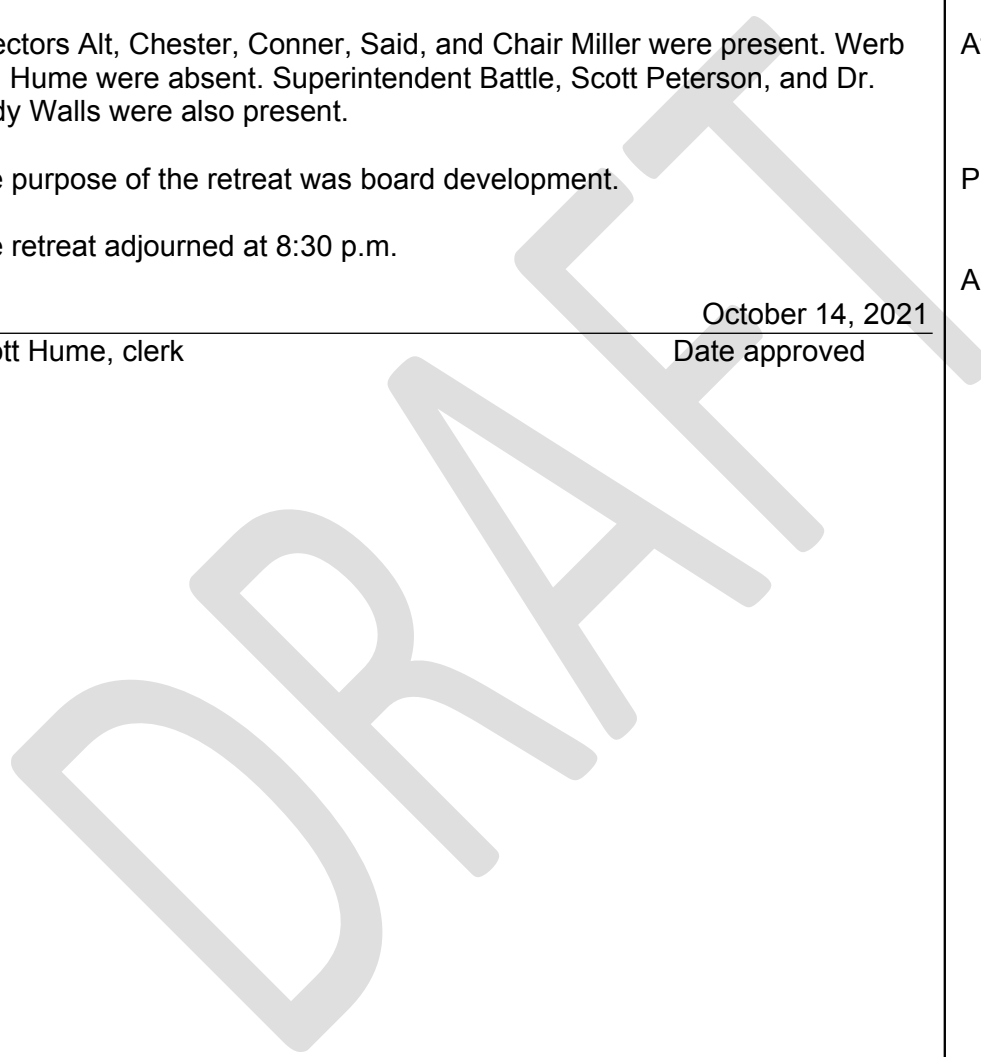
The retreat adjourned at 8:30 p.m.

Adjourn

October 14, 2021

Scott Hume, clerk

Date approved



**Burnsville-Eagan-Savage Public Schools  
Independent School District 191  
Human Resources**

TO: Members, Board of Education  
Dr. Theresa Battle, Superintendent

FROM: Stacey Sovine, Executive Director of Human Resources

DATE: October 14th, 2021 Final

RE: Recommended Personnel Changes

CLASSIFICATION	ACTION	POSITION CONTROL	NAME	FINAL	LOCATION	POSITION	EFFECTIVE DATE
Certified	Appointment		Amber Garrison		Eagle Ridge Middle School	Teacher	10/4/2021
Certified	Appointment		Coudjo Amegbleame		Burnsville High School	Teacher	8/24/2021
Certified	Appointment		Danai Kerbaugh		Nicollet Middle School	Teacher	8/24/2021
Certified	Appointment		Emily Baxa		Eagle Ridge Middle School	Teacher	8/24/2021
Certified	Appointment		Katie O'Shea		Rahn Elementary School	Teacher	8/24/2021
Certified	Appointment		Kristin Vendel		Hidden Valley Elementary	Counselor	9/13/2021
Certified	Appointment		Lori Brevik		Burnsville High School	Teacher	8/30/2021
Certified	Appointment		Michelle Baumann		Gideon Pond Elementary	Teacher	9/27/2021
Certified	Change of Assignment		Emma Ganion		Burnsville High School	Teacher	10/11/2021
Certified	Change of Assignment		Emma Martin		Eagle Ridge Middle School	Teacher	8/24/2021
Certified	Change of Assignment		Megan Philipsek		Nicollet Middle School	LTS Teacher	9/3/2021
Certified	Change of Assignment		Monica Potter		St. John's	Teacher Counselor	9/25/2021
Certified	Change of Assignment		Sandra Holman		Nicollet Middle School	Teacher	8/30/2021
Certified	Leave of Absence		Kristin Hollingsworth		ECSE Center	Teacher	10/1/2021
Certified	Resignation		Bradley Hise		Hidden Valley Elementary	Nurse	10/22/2021
Certified	Resignation		Jo Ann Nagy		Vista View Elementary School	Nurse	9/28/2021
Classified	Appointment		Alexis Byers		Burnsville High School	Food Service Associate	9/27/2021
Classified	Appointment		Amy Piotrowski		Diamondhead Education Center	Interim SPED Director	10/4/2021
Classified	Appointment		Arthur Shaffer Frazier		Burnsville High School	Assistant Basketball Coach	11/30/2021
Classified	Appointment		Ayan Daoud		Hidden Valley Elementary	Special Education Educational Assistant	9/27/2021
Classified	Appointment		Braylon Lane		Hidden Valley Elementary	Educational Assistant Level II	10/6/2021
Classified	Appointment		Briseida Gonzalez		Burnsville High School	Food Service Associate	9/27/2021
Classified	Appointment		Christine Fischer McDonald		Diamondhead Education Center	SISA Coordinator	11/1/2021
Classified	Appointment		Claudia Gamble		Rahn Elementary School	Food Service Associate	10/5/2021
Classified	Appointment		Danai Kerbaugh		Nicollet Middle School	PROUD Advisor	9/30/2021
Classified	Appointment		Erik Hunevad		Burnsville High School	Assistant Boys Soccer Coach	Fall Season
Classified	Appointment		Faiso Abdile		Sky Oaks Elementary School	Educational Assistant Level II	9/10/2021
Classified	Appointment		Gabrielle Sasseville		Burnsville High School	Musical Set Design Head	8/31/2021
Classified	Appointment		Hanaa Hammoud		Edward Neill Elementary	Special Education Educational Assistant	9/27/2021
Classified	Appointment		Harrison Owings		Burnsville High School	Science Quiz Bowl Advisor	9/30/2021
Classified	Appointment		Heidi Gillies		Hidden Valley Elementary	Food Service Associate	10/18/2021
Classified	Appointment		Jacob Edwards		Burnsville High School	Marching Band Assistant	8/31/2021
Classified	Appointment		Jeremy Nelson		Hidden Valley Elementary	Educational Assistant Level II	10/6/2021
Classified	Appointment		Kelly Kalash		Diamondhead Education Center	Benefits Specialist	8/23/2021
Classified	Appointment		Kirstin Webb		Burnsville High School	Assistant Cheer Coach	9/30/2021
Classified	Appointment		McKenzie Seubert		WM. Byrne Elementary School	Special Education Educational Assistant	9/30/2021
Classified	Appointment		Mo Bille		Burnsville High School	Assistant Girls Soccer Coach	8/31/2021
Classified	Appointment		Quentina Dunbar		Burnsville High School	Peer Support	9/30/2021
Classified	Appointment		Rachel Schatzlein		Hidden Valley Elementary	Educational Assistant Level II	9/13/2021
Classified	Appointment		Safia Jama		Vista View Elementary School	Community Education Associate	8/30/2021
Classified	Appointment		Sahra Ahmed		WM. Byrne Elementary School	Educational Assistant Level II	9/27/2021
Classified	Appointment		Samantha Smalley		District-wide	AVID Tutor	10/12/2021
Classified	Appointment		Saredo Salah		WM. Byrne Elementary School	Early Childhood Program Associate	9/27/2021
Classified	Appointment		Tausha Chamberland		WM. Byrne Elementary School	Educational Assistant Level II	10/5/2021
Classified	Appointment		Tausha Chamberland		Diamondhead Education Center	Clerical Level III	10/11/2021
Classified	Appointment		Todd Swanson		Edward Neill Elementary	Custodian Level I	11/1/2021
Classified	Change of Assignment		Lizette LaDuke		Hidden Valley Elementary	Food Service Associate	9/29/2021
Classified	Change of Assignment		Lizette LaDuke		Hidden Valley Elementary	Food Service Associate	10/12/2021
Classified	Change of Assignment		Mary Holewa		Nicollet Middle School	Food Service Assistant Manager	10/1/2021
Classified	Change of Assignment		Nicholas Johnson		Burnsville High School	Custodian Level II	10/5/2021
Classified	Change of Assignment		Tanya Rathsabandith		WM. Byrne Elementary School	Food Service Associate	10/11/2021
Classified	Probationary Release		McKenzie Seubert		WM. Byrne Elementary School	Special Education Educational Assistant	9/30/2021
Classified	Resignation		Elizabeth Weightman		Burnsville High School	Science Quiz Bowl Advisor	9/24/2021
Classified	Resignation		Jasmin Melara		WM. Byrne Elementary School	Special Education Educational Assistant	8/30/2021
Classified	Resignation		Levi Strauss		Gideon Pond Elementary	Custodian	10/8/2021
Classified	Resignation		Mark Van Der Woude		Burnsville High School	Weight Room Coach	9/30/2021
Classified	Resignation		Neal Gysland		Nicollet Middle School	Special Education Educational Assistant	10/8/2021
Classified	Resignation		Shelley Wessman		Harriet Bishop Elementary	Food Service Associate	9/27/2021
Classified	Resignation		Tausha Chamberland		WM. Byrne Elementary School	Educational Assistant Level II	10/8/2021
Classified	Resignation		Tausha Chamberland		WM. Byrne Elementary School	Food Services Manager	10/4/2021



**Agenda IV.A.3.  
October 14, 2021**

**To:** Members, Board of Education  
Dr. Theresa Battle, superintendent

**From:** Lisa K. Rider, executive director of business services

**Date:** October 11, 2021

**RECOMMENDATION:** To adopt a resolution to approve and accept donations as presented.

**RESOLUTION TO ACCEPT DONATIONS**

**WHEREAS,**

1. School Board Policy 706 establishes guidelines for the acceptance of gifts to the District; and
2. Minnesota Statute 123B.02, Subd. 6 states the School Board may receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated; and
3. Minnesota Statute 465.03 states the School Board may accept a grant or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members; and
4. Businesses and individuals have submitted donations to the district;

**THEREFORE, BE IT RESOLVED** by the School Board of ISD 191 to approve and accept with appreciation the donations as presented below and to permit their use as designated by the donors.

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Members in favor of the motion:

Members opposed:

Whereupon said Resolution was declared duly passed and adopted on October 14, 2021.

\_\_\_\_\_  
Clerk – Board of Education

Date	Donor	Recipient	Terms	Donation
9/6/2021	Kimberly O'Conner	District 191	Charity Designation ISD 191/ Frontstream	\$28.00
8/25/2021	Mount Calvary Lutheran Church	Rahn Elementary	Mount Calvary Church had a school supply drive for us	In-Kind (goods or services)
9/3/2021	Burnsville Lions	Rahn Elementary	school supplies for students	In-Kind (goods or services)
8/27/2021	Peace Church	Rahn Elementary	School supplies	In-Kind (goods or services)
9/8/2021	Hearthside Foods/Andrea Oliveras	Vista View Elementary	School supplies to distribute to students	In-Kind (goods or services)
9/9/2021	Resurrection Church/MaryJo Heinrichs	Vista View Elementary	School supplies to be distributed to students	In-Kind (goods or services)
9/21/2021	BHS Theatre Guild	Burnsville High School	Funding for additional stipend for Fall Musical for a .75 FTE Assistant	\$1,765.00
9/24/2021	Multiple Former Students donating anonymously	Food & Nutrition Services	Negative meal balances	\$132.30
9/24/2021	Persyda Garrido	Food & Nutrition Services	For a student with a negative meal balance	\$0.15
9/15/2021	Minnesota Valley Electric Co op Operation Roundup	BrainPower in a Backpack	Donation to BrainPower	\$500.00
9/21/2021	Amy Olson	BrainPower in a Backpack	Donation	\$50.00
9/28/2021	Sheryl and Michael Burkhardt	BrainPower in a Backpack	Donation	\$575.00
10/7/2021	Kwik Trip, Inc.	BrainPower in a Backpack	Donation	\$500.00
10/7/2021	ALDI Inc.	BrainPower in a Backpack	Food donation	In-Kind (goods or services)

**Total monetary donation received: \$3550.45**



**Agenda IV.A.4.  
October 14, 2021**

**To:** Board of Education

**From:** Dr. Theresa Battle, superintendent

**Date:** October 7, 2021

**Re:** Receive a Report about the Listening Session

**Recommendation:** Receive a report about the Listening Session on September 23, 2021.

No one spoke at the listening session on September 23, 2021.



**Agenda IV.A.5.  
October 14, 2021**

**To:** Board of Education  
Dr. Theresa Battle, superintendent

**From:** Eric Miller, Chair

**Date:** October 7, 2021

**Re:** Board Retreat

**Recommendation:** Approve scheduling a board retreat on October 26, 2021, at 6:30 p.m. at Diamondhead Education Center, 200 West Burnsville Parkway, Burnsville, MN, 55337.

The purpose of the retreat is board development.



**Agenda IV.A.6.  
October 14, 2021**

**To:** Board of Education  
Dr. Theresa Battle, superintendent

**From:** Brian Gersich, assistant superintendent

**Date:** October 7, 2021

**Re:** Non-Substantive Changes to Policy 514: *Bullying Prohibition Policy*

**Recommendation:** Approve, on a first reading basis, non-substantive changes to Policy 514: *Bullying Prohibition Policy*.

The policy was reviewed by the Policy Review Committee on September 20. The policy requires annual review. The changes were made based on recommendations from the Policy Review Committee.

Adopted: 03/06  
 Reviewed: 3/12/2020  
 Revised: ~~3/19/2020~~10/14/2021  
 Rescinds: ACD-JBD, JBD-ACD

*Burnsville-Eagan-Savage School District Policy 514*

## **514 BULLYING PROHIBITION POLICY**

### **I. PURPOSE**

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

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

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

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

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

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

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

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

### **III. DEFINITIONS**

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

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct, aimed

at a student, that is objectively offensive and:

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

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

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

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

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

#### **IV. REPORTING PROCEDURE**

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

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

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

## **V. SCHOOL DISTRICT ACTION**

- A. Within three working days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary

consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy and other applicable school district policies; and applicable regulations.

- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

## **VI. RETALIATION OR REPRISAL**

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

## **VII. TRAINING AND EDUCATION**

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school

personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

- B. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
  3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
  4. The incidence and nature of cyberbullying; and
  5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

discrimination and other improper conduct.

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

1. Engage all students in creating a safe and supportive school environment;
  2. Partner with parents and other community members to develop and implement prevention and intervention programs;
  3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
  4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
  5. Teach students to advocate for themselves and others;
  6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
  7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

## **VIII. NOTICE**

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the

school district.

- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

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

**Cross References:** Burnsville-Eagan-Savage Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 Burnsville-Eagan-Savage Policy 413 (Harassment and Violence)  
 Burnsville-Eagan-Savage Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
 Burnsville-Eagan-Savage Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
[Burnsville-Eagan-Savage Policy 422 \(Policies Incorporated by Reference\)](#)  
 Burnsville-Eagan-Savage Policy 423 (Employee-Student Relationships)  
 Burnsville-Eagan-Savage Policy 501 (School Weapons Policy)  
 Burnsville-Eagan-Savage Policy 506 (Student Discipline)  
 Burnsville-Eagan-Savage Policy 507 (Corporal Punishment)  
 Burnsville-Eagan-Savage Policy 515 (Protection and Privacy of Pupil Records)  
 Burnsville-Eagan-Savage Policy 521 (Student Disability

Nondiscrimination)

Burnsville-Eagan-Savage Policy 522 (Student Sex Nondiscrimination)  
Burnsville-Eagan-Savage Policy 524 (Internet Acceptable Use and Safety Policy)  
Burnsville-Eagan-Savage Policy 525 (Violence Prevention)  
Burnsville-Eagan-Savage Policy 526 (Hazing Prohibition)  
Burnsville-Eagan-Savage Policy 529 (Staff Notification of Violent Behavior by Students)  
Burnsville-Eagan-Savage Policy 709 (Student Transportation Safety Policy)  
Burnsville-Eagan-Savage Policy 711 (Video Recording on School Buses)  
Burnsville-Eagan-Savage Policy 712 (Video Surveillance Other Than on Buses)

## October 14, 2021 Board Meeting

Board Members' Questions and Staff Responses regarding BoardBook materials

### COVID Funding

Board Member Question	Staff Response
<p>In reviewing the COVID funding that One91 is receiving or will receive, and also knowing that we have an interim Director of Specialized Student Services, will someone be supporting Amy and her team with their input and guidance on how to use SpEd-specific funding.</p>	<p>The transition for Amy includes supporting her to make recommendations for use of these funds. As she has been a member of Stephanie's team she is experienced with working with state and federal budgets.</p>

**Agenda IV.B.1.  
October 14, 2021**

**To:** Board of Education  
Dr. Theresa Battle, superintendent

**From:** Lisa Rider, executive director of business services

**Date:** October 5, 2021

**Re:** Adopt the Resolution Awarding the Sale of General Obligation Alternative Facilities Refunding Bonds, Series 2021A

**RECOMMENDATION:** That the Board of Education adopts the formal resolution awarding the sale of General Obligation Alternative Facilities Refunding Bonds, Series 2021A; fixing their form and specifications; directing their execution and delivery; providing for their payment; and providing for the redemption of bonds refunded.

The Board of Education on September 9, 2021 authorized the issuance and sale of general obligation alternative facilities refunding bonds of approximately \$10,725,000 noted as Series 2021A. These bonds will serve to refund the 2012A bond for the sole purpose of saving interest costs. On October 14, 2021 sealed proposals for the purchase of these bonds will be accepted. Proposals will be publicly opened, read and tabulated by our financial advisors at Ehlers.

The bid tabulation for the proposals received will be available on the date of sale. Ehlers will be present during the board meeting to present the results of the bids. The board will be asked at that time to adopt the resolution to award the sale of bonds.

Attachment: Resolution Awarding the Sale of General Obligation Alternative Facilities Refunding Bonds, Series 2021A

October 14, 2021

SALE DAY REPORT FOR:

## **Independent School District No. 191 (Burnsville-Eagan-Savage), Minnesota**

**\$9,680,000 General Obligation Alternative  
Facilities Refunding Bonds, Series 2021A**



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Prepared by:

Ehlers  
3060 Centre Pointe Drive  
Roseville, MN 55113

Jeff Seeley,  
Senior Municipal Advisor

Matthew Hammer,  
Municipal Advisor

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**BUILDING COMMUNITIES. IT'S WHAT WE DO.**

## COMPETITIVE SALE RESULTS

<b>Purpose:</b>	To finance a current refunding of the 2023 through 2030 maturities of the District's \$16,910,000 General Obligation Alternative Facilities Bonds, Series 2012A.
<b>Rating:</b>	<b>MN Credit Enhancement Rating:</b> Moody's Investor's Service "Aa2" <b>Underlying Rating:</b> Moody's Investor's Service "Aa3"
<b>Number of Bids:</b>	4
<b>Low Bidder:</b>	Baird, Red Bank, New Jersey

### Comparison from Lowest to Highest Bid: (TIC as bid)

<b>Low Bid</b>	0.9825%*
<b>High Bid</b>	1.0326%
<b>Interest Difference</b>	<b>\$32,696</b>

### Summary of Sale Results:

Principal Amount*:	\$9,680,000
Underwriter's Discount:	\$47,030
Reoffering Premium:	\$2,143,678
True Interest Cost*:	0.9934%
Costs of Issuance:	\$71,315
Yield:	0.18%-1.15%
Future Value Savings:	\$994,791
Present Value Savings:	\$942,005
Savings Percentage:	7.379%
Total Net P&I:	\$12,389,884

\* The winning bidder submitted a bid with a premium price (a price greater than the par amount of the bonds) that was larger than the estimates in the Pre-Sale Report. A portion of the net premium (reoffering premium minus underwriter's discount) was used to reduce the bond amount. As a result, the principal amount of the bonds was reduced from \$10,725,000 (in the Pre-Sale Report and the Preliminary Official Statement) to \$9,680,000. This also caused a slight change in the True Interest Cost.

- Notes:** The True Interest Cost of 0.99% is lower than the 1.12% estimated in the Pre-Sale Report presented to the School Board on September 9. As a result, the future value savings of \$994,791 is greater than the estimate of \$880,168 in the Pre-Sale Report. The net present value of savings as a percentage of refunded debt service is 7.38%.
- Closing Date:** November 4, 2021
- School Board Action:** Adopt the Resolution Awarding the Sale of \$9,680,000 General Obligation Alternative Facilities Refunding Bonds, Series 2021A.

### **Supplementary Attachments**

- ✓ Bid Tabulation
- ✓ Updated Sources and Uses of Funds
- ✓ Existing Debt Service Schedule – Callable Portion of 2012A Bonds
- ✓ Updated Debt Service Schedule for the Refunding Bonds
- ✓ Updated Debt Service Comparison/Refunding Savings Analysis
- ✓ Rating Reports
- ✓ Resolution Awarding Sale of Refunding Bonds (Distributed Separately)

## BID TABULATION

**\$10,725,000\* General Obligation Alternative Facilities Refunding Bonds, Series 2021A**

**Independent School District No. 191 (Burnsville-Eagan-Savage), Minnesota**

**SALE: October 14, 2021**

**AWARD: BAIRD**

**MN Credit Enhancement Rating:** Moody's Investor's Service "Aa2"

**Underlying Rating:** Moody's Investor's Service "Aa3"

Tax Exempt - Non-Bank Qualified

NAME OF BIDDER	MATURITY (February 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
BAIRD				\$13,027,914.95	\$663,678.80	0.9825%
Red Bank, New Jersey	2023	5.000%	0.180%			
C.L. King	2024	5.000%	0.240%			
Collier Securities	2025	5.000%	0.320%			
Edward Jones	2026	5.000%	0.500%			
Fidelity Capital	2027	5.000%	0.650%			
Davenport & Co. L.L.	2028	5.000%	0.900%			
Loop Capital	2029	5.000%	1.050%			
Country Club Bank	2030	5.000%	1.150%			
Crews & Associates, Sierra Pacific Sec.						
Isaak Bond Investmen						
Wayne Hummer & Co.						
SumRidge Partners						
Celadon Financial Gr						
Oppenheimer & Co.						
Midland Securities						
FMS Bonds Inc.						
First Southern LLC						
Commerce Bank, N.A.						
InspereX						
Dinosaur Sec						
First Bankers' Banc						
Mountainside Sec						

\* Subsequent to bid opening the issue size was decreased to \$9,680,000.

Adjusted Price - \$11,776,647.84

Adjusted Net Interest Cost - \$613,568.83

Adjusted TIC - 0.9934%

RAYMOND JAMES & ASSOCIATES, INC. St. Petersburg, Florida	\$13,023,636.30	\$667,957.45	0.9891%
STONEX FINANCIAL INC Atlanta, Georgia	\$13,008,688.45	\$682,905.30	1.0120%
J.P. MORGAN SECURITIES LLC New York, New York	\$12,995,218.50	\$696,375.25	1.0326%

# I.S.D. No. 191 (Burnsville-Eagan-Savage), MN

\$9,680,000 General Obligation Alternative Facilities Refunding Bonds, Series 202

Dated: November 4, 2021 - Current Refunding of

\$16,910,000 G.O. Alternative Facilities Bonds, Series 2012A

## Sources & Uses

Dated 11/04/2021 | Delivered 11/04/2021

### Sources Of Funds

Par Amount of Bonds	\$9,680,000.00
Reoffering Premium	2,143,678.20
<b>Total Sources</b>	<b>\$11,823,678.20</b>

### Uses Of Funds

Total Underwriter's Discount (0.486%)	47,030.36
Costs of Issuance	71,315.00
Deposit to Current Refunding Fund	11,705,000.00
Rounding Amount	332.84
<b>Total Uses</b>	<b>\$11,823,678.20</b>

# I.S.D. No. 191 (Burnsville-Eagan-Savage), MN

\$16,910,000 G.O. Alternative Facilities Bonds, Series 2012A

## Prior Original Debt Service

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/01/2022	-	-	-	-	-
08/01/2022	-	-	154,767.50	154,767.50	-
02/01/2023	1,090,000.00	3.000%	154,767.50	1,244,767.50	1,399,535.00
08/01/2023	-	-	138,417.50	138,417.50	-
02/01/2024	1,115,000.00	2.000%	138,417.50	1,253,417.50	1,391,835.00
08/01/2024	-	-	127,267.50	127,267.50	-
02/01/2025	1,095,000.00	2.000%	127,267.50	1,222,267.50	1,349,535.00
08/01/2025	-	-	116,317.50	116,317.50	-
02/01/2026	1,200,000.00	2.100%	116,317.50	1,316,317.50	1,432,635.00
08/01/2026	-	-	103,717.50	103,717.50	-
02/01/2027	1,245,000.00	2.300%	103,717.50	1,348,717.50	1,452,435.00
08/01/2027	-	-	89,400.00	89,400.00	-
02/01/2028	1,510,000.00	3.000%	89,400.00	1,599,400.00	1,688,800.00
08/01/2028	-	-	66,750.00	66,750.00	-
02/01/2029	1,570,000.00	3.000%	66,750.00	1,636,750.00	1,703,500.00
08/01/2029	-	-	43,200.00	43,200.00	-
02/01/2030	2,880,000.00	3.000%	43,200.00	2,923,200.00	2,966,400.00
<b>Total</b>	<b>\$11,705,000.00</b>	<b>-</b>	<b>\$1,679,675.00</b>	<b>\$13,384,675.00</b>	<b>-</b>

## Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	11/04/2021
Average Life	5.429 Years
Average Coupon	2.7608418%
Weighted Average Maturity (Par Basis)	5.429 Years
Weighted Average Maturity (Original Price Basis)	5.429 Years

## Refunding Bond Information

Refunding Dated Date	11/04/2021
Refunding Delivery Date	11/04/2021

# I.S.D. No. 191 (Burnsville-Eagan-Savage), MN

\$9,680,000 General Obligation Alternative Facilities Refunding Bonds, Series 202

Dated: November 4, 2021 - Current Refunding of

\$16,910,000 G.O. Alternative Facilities Bonds, Series 2012A

## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/04/2021	-	-	-	-	-
08/01/2022	-	-	358,966.67	358,966.67	-
02/01/2023	790,000.00	5.000%	242,000.00	1,032,000.00	1,390,966.67
08/01/2023	-	-	222,250.00	222,250.00	-
02/01/2024	945,000.00	5.000%	222,250.00	1,167,250.00	1,389,500.00
08/01/2024	-	-	198,625.00	198,625.00	-
02/01/2025	790,000.00	5.000%	198,625.00	988,625.00	1,187,250.00
08/01/2025	-	-	178,875.00	178,875.00	-
02/01/2026	910,000.00	5.000%	178,875.00	1,088,875.00	1,267,750.00
08/01/2026	-	-	156,125.00	156,125.00	-
02/01/2027	975,000.00	5.000%	156,125.00	1,131,125.00	1,287,250.00
08/01/2027	-	-	131,750.00	131,750.00	-
02/01/2028	1,260,000.00	5.000%	131,750.00	1,391,750.00	1,523,500.00
08/01/2028	-	-	100,250.00	100,250.00	-
02/01/2029	1,340,000.00	5.000%	100,250.00	1,440,250.00	1,540,500.00
08/01/2029	-	-	66,750.00	66,750.00	-
02/01/2030	2,670,000.00	5.000%	66,750.00	2,736,750.00	2,803,500.00
<b>Total</b>	<b>\$9,680,000.00</b>	<b>-</b>	<b>\$2,710,216.67</b>	<b>\$12,390,216.67</b>	<b>-</b>

## Yield Statistics

Bond Year Dollars	\$54,204.33
Average Life	5.600 Years
Average Coupon	5.0000000%
Net Interest Cost (NIC)	1.1319553%
True Interest Cost (TIC)	0.9934357%
Bond Yield for Arbitrage Purposes	0.9148678%
All Inclusive Cost (AIC)	1.1133763%

## IRS Form 8038

Net Interest Cost	0.8330496%
Weighted Average Maturity	5.752 Years

# I.S.D. No. 191 (Burnsville-Eagan-Savage), MN

\$9,680,000 General Obligation Alternative Facilities Refunding Bonds, Series 202

Dated: November 4, 2021 - Current Refunding of

\$16,910,000 G.O. Alternative Facilities Bonds, Series 2012A

## Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
02/01/2022	-	(332.84)	-	332.84
02/01/2023	1,390,966.67	1,390,966.67	1,399,535.00	8,568.33
02/01/2024	1,389,500.00	1,389,500.00	1,391,835.00	2,335.00
02/01/2025	1,187,250.00	1,187,250.00	1,349,535.00	162,285.00
02/01/2026	1,267,750.00	1,267,750.00	1,432,635.00	164,885.00
02/01/2027	1,287,250.00	1,287,250.00	1,452,435.00	165,185.00
02/01/2028	1,523,500.00	1,523,500.00	1,688,800.00	165,300.00
02/01/2029	1,540,500.00	1,540,500.00	1,703,500.00	163,000.00
02/01/2030	2,803,500.00	2,803,500.00	2,966,400.00	162,900.00
<b>Total</b>	<b>\$12,390,216.67</b>	<b>\$12,389,883.83</b>	<b>\$13,384,675.00</b>	<b>\$994,791.17</b>

## PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings.....	941,672.05
Net PV Cashflow Savings @ 0.915%(Bond Yield).....	941,672.05
Contingency or Rounding Amount.....	332.84
Net Present Value Benefit	\$942,004.89
Net PV Benefit / \$12,765,350.25 PV Refunded Debt Service	7.379%
Net PV Benefit / \$11,705,000 Refunded Principal...	8.048%
Net PV Benefit / \$9,680,000 Refunding Principal..	9.731%

## Refunding Bond Information

Refunding Dated Date	11/04/2021
Refunding Delivery Date	11/04/2021

# MOODY'S

## INVESTORS SERVICE

### Rating Action: Moody's assigns Aa3 UND/Aa2 ENH to Burnsville-Eagan-Savage I.S.D. 191, MN GO Rfdg, Ser. 2021A

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12 Oct 2021

New York, October 12, 2021 -- Moody's Investors Service assigns a Aa3 underlying and Aa2 enhanced ratings to Burnsville-Eagan-Savage Independent School District (ISD) No. 191, Minnesota's \$10.7 million General Obligation Alternative Facilities Refunding Bonds, Series 2021A. We maintain the Aa3 issuer and Aa3 underlying ratings on \$122 million in outstanding parity obligations, inclusive of the upcoming sale. The issuer rating reflects the district's ability to repay debt and debt-like obligations without consideration of any pledge, security or structural features.

#### RATINGS RATIONALE

The Aa3 issuer rating reflects the district's stable financial trends and strong wealth metrics, with both resident income and full value per capita above national medians. The rating also incorporates negative enrollment trends and elevated leverage metrics, driven by participation in a poorly-funded statewide cost-sharing pension plan; however, fixed costs are currently manageable.

The Aa3 underlying rating is equivalent to the Aa3 issuer rating, based on the district's general obligation full faith and credit pledge, as well as an unlimited property tax that is dedicated to debt service.

The enhanced rating on the current bonds reflects the additional security provided by the State of Minnesota's School District Credit Enhancement Program. The Aa2 enhanced programmatic rating is notched once from the State of Minnesota's Aa1 general obligation unlimited tax (GOULT) rating and the enhancement program carries a positive outlook, reflecting the positive outlook on the State of Minnesota. The enhanced rating reflects sound program mechanics and the State of Minnesota's pledge of an unlimited appropriation from its General Fund should the district be unable to meet debt service requirements. The program's mechanics include a provision for third party notification of pending deficiency. If the school district does not transfer funds necessary to pay debt to the paying agent at least three days prior to the payment due date, the state will appropriate the payment to the paying agent directly. Moody's has received a copy of the signed program applications.

#### RATING OUTLOOK

Moody's does not typically assign outlooks to local governments with this amount of debt outstanding.

#### FACTORS THAT COULD LEAD TO AN UPGRADE OF THE RATINGS

- Moderation of long-term liabilities and fixed costs
- Trend of enrollment gains; additional economic diversification
- Material increases to reserves
- Upward movement in State of Minnesota's underlying GOULT rating (enhanced)

#### FACTORS THAT COULD LEAD TO A DOWNGRADE OF THE RATINGS

- Sustained enrollment losses
- Material decline in reserves
- Substantial increase in long-term liabilities and fixed costs
- Downward movement in the State of Minnesota's underlying GOULT rating (enhanced)
- Weakening of the credit enhancement program mechanics (enhanced)

## LEGAL SECURITY

The general obligation unlimited tax (GOULT) bonds are supported by the district's full faith and credit pledge and the authority to levy a dedicated property tax unlimited as to rate and amount. The bonds are additionally secured by statute. The GOULT bonds are also supported by the State of Minnesota's School District Credit Enhancement Program which provides for an unlimited advance from the state's general fund should the district be unable to meet debt service requirements.

## USE OF PROCEEDS

Proceeds of the Series 2021A bonds will be used to refund outstanding debt (Series 2012A) for net present value savings.

## PROFILE

Burnsville-Eagan-Savage Independent School District 191 provides education for around 7,500 students in grades kindergarten through twelve. The district, which is located 15 miles south of the City of Minneapolis (Aa1 stable) covers approximately 37 square miles including all of Burnsville (Aaa) and portions of Savage and Eagan (Aaa).

## METHODOLOGY

The principal methodology used in the underlying rating was US K-12 Public School Districts Methodology published in January 2021 and available at [http://www.moodys.com/researchdocumentcontentpage.aspx?docid=PBM\\_1202421](http://www.moodys.com/researchdocumentcontentpage.aspx?docid=PBM_1202421). The principal methodology used in the enhanced rating was State Aid Intercept Programs and Financings published in December 2017 and available at [https://www.moodys.com/researchdocumentcontentpage.aspx?docid=PBM\\_1067422](https://www.moodys.com/researchdocumentcontentpage.aspx?docid=PBM_1067422). Alternatively, please see the Rating Methodologies page on [www.moodys.com](http://www.moodys.com) for a copy of these methodologies.

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## CREDIT OPINION

12 October 2021

 Rate this Research

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# Burnsville Independent School District 191, MN

Update to credit analysis

## Summary

Burnsville-Eagan-Savage I.S.D. 191, MN's credit position is solid. Also, the Aa3 rating is equal to the US school district median of Aa3. Key credit factors include a stable economy, a weak enrollment trend, an adequate financial position, slightly high leverage and very low fixed costs.

## Credit strengths

- » Above average wealth metrics
- » Large surpluses reported in fiscal 2020 and expected for fiscal 2021

## Credit challenges

- » Declining enrollment
- » Above average leverage metrics

## Rating outlook

Moody's does not typically assign outlooks to local governments with this amount of debt outstanding.

## Factors that could lead to an upgrade

- » Moderation of long-term liabilities and fixed costs
- » Trend of enrollment gains; additional economic diversification
- » Material increases to reserves

## Factors that could lead to a downgrade

- » Sustained enrollment losses
- » Material decline in reserves
- » Substantial increase in long-term liabilities and fixed costs

## Key indicators

Exhibit 1

### Burnsville-Eagan-Savage I.S.D. 191, MN

	2017	2018	2019	2020	Aa Medians
<b>Economy</b>					
Resident income	121.4%	121.0%	120.6%	N/A	120.3%
Full value (\$000)	\$6,342,662	\$6,884,950	\$7,438,330	\$8,038,647	\$3,767,803
Population	68,301	68,028	68,261	N/A	32,239
Full value per capita	\$92,863	\$101,208	\$108,969	N/A	\$110,286
Enrollment	9,247	9,030	8,874	8,603	4,353
Enrollment trend	N/A	N/A	-1.2%	-2.4%	0.1%
<b>Financial performance</b>					
Operating revenue (\$000)	\$137,199	\$137,447	\$142,946	\$144,735	\$70,864
Available fund balance (\$000)	\$17,199	\$14,444	\$15,428	\$19,486	\$17,424
Net cash (\$000)	\$68,306	\$37,360	\$35,469	\$40,671	\$20,807
Available fund balance ratio	12.5%	10.5%	10.8%	13.5%	26.1%
Net cash ratio	49.8%	27.2%	24.8%	28.1%	31.0%
<b>Leverage</b>					
Debt (\$000)	\$181,337	\$145,960	\$139,240	\$137,163	\$48,829
ANPL (\$000)	\$409,637	\$366,956	\$290,513	\$333,596	\$92,102
OPEB (\$000)	N/A	\$9,458	\$9,541	\$9,222	\$10,438
Long-term liabilities ratio	N/A	380.1%	307.3%	331.6%	280.7%
Implied debt service (\$000)	\$14,659	\$13,469	\$10,755	\$10,152	\$3,402
Pension tread water (\$000)	\$9,119	\$8,237	\$7,328	\$7,587	\$3,018
OPEB contributions (\$000)	N/A	\$902	\$1,137	\$745	\$440
Fixed-costs ratio	N/A	16.4%	13.4%	12.8%	11.9%

For definitions of the metrics in the table above please refer to the [US K-12 Public School Districts Methodology](#) or see the Glossary in the Appendix below. Metrics represented as N/A indicate the data were not available at the time of publication. The medians come from our most recently published [K12 Median Report](#).

Sources: US Census Bureau, Burnsville I.S.D. 191, MN's financial statements and Moody's Investors Service

## Profile

Burnsville-Eagan-Savage Independent School District (ISD) 191, MN's provides education for around 7,500 students in grades kindergarten through twelve. The district, which is located 15 miles south of the City of Minneapolis (Aa1 stable) covers approximately 37 square miles including all of Burnsville (Aaa) and portions of Savage and Eagan (Aaa).

## Detailed credit considerations

### Economy

The district's economic profile is expected to remain stable given its location southwest of the metroplex. The district serves the communities of Burnsville, Savage, and Eagan, which act as bedroom communities to Minneapolis and St. Paul. Wealth indices are above average, with resident income over 100% and full value per capita of \$125,000. Future economic development is modest, and management reports that the district is basically built out.

During the pandemic, many parents within the district opted to send their children to private academies/charters rather than navigate remote learning. As a consequence, management saw a dip in pre-K and K students. However, now that classes are back "in-person", enrollment has rebounded to around 7,600 (with 500 enrolled in an online academy sponsored by the district). Over the next several years, the district is anticipating a steady decline in enrollment to around 6,900 in 2025. Officials report that the community is aged. Additionally, the real estate market is tight, so there is not an opportunity for young families to move into the area. In order to attract and retain students, the district offers competitive programming in culinary arts, public safety and cybersecurity.

This publication does not announce a credit rating action. For any credit ratings referenced in this publication, please see the ratings tab on the issuer/entity page on [www.moody's.com](http://www.moody's.com) for the most updated credit rating action information and rating history.

## Financial operations

The district's financial performance has fluctuated, but over the near-term, management expects to realize balanced operations due to conservative budgeting. At fiscal 2020 year-end, general fund balance increased by \$4.9 to \$20.3 million, or an improved 15.4% of revenues. During the pandemic, when the district was fully-remote, they saved on professional development and transportation costs. Operating reserves, including the general fund and debt service fund, is \$24.6 million, or 17% of revenues.

Based on fiscal 2021 unaudited results, management anticipates realizing another large surplus. Officials explained that despite returning to in-person during calendar 2021, the district still realized savings associated with transportation, professional development, and substitute teachers.

The fiscal 2022 budget projects a deficit of around \$5.1 million. This is a conservative forecast: revenues do not reflect a state aid increase and enrollment stabilization. Furthermore, the district is challenged to fill positions, so it is expected that there will be vacancy savings at the end of the fiscal year. Management does state, however, that they are willing to use a portion of fund balance, if needed, to address their programmatic needs.

Regarding COVID-relief funding, the district received around \$27.5 million, which needs to be expended by 2024.

## Liquidity

Cash is about in line with fund balance. At fiscal 2020 year-end, general fund cash was \$31.5 million, or 23.8% of revenues. The difference between cash and fund balance is summer payroll (liability) and state aid receipts (receivable).

## Leverage

Leverage related to long-term debt and pension burdens will stay around current levels due to average principal amortization and exposure to the state's multiple employer cost sharing plan. The district has \$122 million in outstanding debt, equal to 84% of operating revenue. The district's single year adjusted net pension liability (ANPL), based on a 3.5% discount rate, totals \$333.6 million, which is equal to about 230% of operating revenue. In comparison, the district's reported GASB net pension liability, based on a 7.5% discount rate, totals \$84.6 million.

The district's ratio of total long-term liabilities (debt, pensions and OPEB) to operating revenue is above average relative to national peers at 327% of revenue. However, the combined fixed costs ratio remains manageable at 12.8%.

## Legal security

The general obligation unlimited tax (GOULT) bonds are supported by the district's full faith and credit pledge and the authority to levy a dedicated property tax unlimited as to rate and amount. The bonds are additionally secured by statute. The GOULT bonds are also supported by the State of Minnesota's School District Credit Enhancement Program which provides for an unlimited advance from the state's general fund should the district be unable to meet debt service requirements.

## Debt structure

Including the new sale, the district will have \$122 million in general obligation unlimited tax (GOULT) bonds. Ten year principal payout is average at 67.4%.

## Debt-related derivatives

The district is not a party to any debt-related derivatives.

## Pensions and OPEB

The district participates in two multiple-employer cost-sharing plans, the General Employees Retirement Fund (GERF) and the Teachers Retirement Association of Minnesota (TRA). Most of its unfunded liabilities are attributable to the TRA. The State of Minnesota approved legislation in 2018 that modified benefits and modestly increased contributions to TRA. Because of the reform package, school districts are in the process of modestly increasing their TRA employer contribution rate to 8.75% of payroll in 2024 from the previous rate of 7.5%. The state is also increasing aid to school districts to offset the increased costs of their required employer contributions. In aggregate, the total contributions to TRA from all participating school districts in 2020 were equal to about 81% of our Tread Water indicator.

OPEB obligations do not represent a material credit risk for the district. The district provides post-employment healthcare benefits to certain eligible employees. The district provides these benefits in a single-employer defined benefit healthcare and dental plan administered by the district. In fiscal 2020, the district made OPEB contributions of \$745,000, or a nominal 0.51% of operating revenues. The district's reported net OPEB liability currently totals \$9.4 million while our adjusted net OPEB liability for the district, based on the use of a different discount rate, totals \$9.2 million.

## ESG considerations

### Environmental

Environmental risks do not present a material challenge to the district at this time. Per our affiliate 427, the district is at high risk for heat stress and extreme rainfall, but low or moderate for other physical climate risks.

### Social

Social risks do not present a material risk at this time. As discussed above, the district's wealth indices are strong. Enrollment has steadily declined over the past several years, due in large part to the age of the population. Similar to other districts, during the pandemic, student numbers did fall due to families opting to enroll their students in private institutions. However, with in-person education resuming in calendar 2021, enrollment has rebounded to prior levels.

### Governance

The district is governed by a seven-member board that serves staggered terms. District management has shown sound management skills through its conservative and forward looking planning decisions, reflected by stable financial operations.

Minnesota school districts have an Institutional Framework score<sup>1</sup> of A. The state controls the bulk of school district revenue through a per-pupil funding formula. The state has provided for regular annual increases in the funding formula for several years but has occasionally delayed disbursements. Districts can generate a moderate amount of additional locally determined revenue with the ability to levy up to \$724 per pupil. Most districts levy at the cap and can go to voters for an additional levy up to the standard referendum cap, which is just under \$1,800 per pupil and increases with inflation.

## Rating methodology and scorecard factors

The US K-12 Public School Districts Methodology includes a scorecard, a tool providing a composite score of a school district's credit profile based on the weighted factors we consider most important, universal and measurable, as well as possible notching factors dependent on individual credit strengths and weaknesses. Its purpose is not to determine the final rating, but rather to provide a standard platform from which to analyze and compare school district credits.

Exhibit 2

### Burnsville-Eagan-Savage I.S.D. 191, MN

	Measure	Weight	Score
<b>Economy</b>			
Resident Income (MHI Adjusted for RPP / US MHI)	120.6%	10.0%	Aaa
Full value per capita (full valuation of the tax base / population)	124,686	10.0%	Aa
Enrollment trend (three-year CAGR in enrollment)	-3.9%	10.0%	Baa
<b>Financial performance</b>			
Available fund balance ratio (available fund balance / operating revenue)	13.5%	20.0%	A
Net cash ratio (net cash / operating revenue)	28.1%	10.0%	Aaa
<b>Institutional framework</b>			
Institutional Framework	A	10.0%	A
<b>Leverage</b>			
Long-term liabilities ratio ((debt + ANPL + adjusted net OPEB) / operating revenue)	327.2%	20.0%	A
Fixed-costs ratio (adjusted fixed costs / operating revenue)	12.8%	10.0%	Aaa
<b>Notching factors</b>			
No notchings applied			
Scorecard-Indicated Outcome			A1
<b>Assigned Rating</b>			<b>Aa3</b>

Sources: US Census Bureau, Burnsville I.S.D. 191, MN's financial statements and Moody's Investors Service

## Appendix

Exhibit 3

### Key Indicators Glossary

	Definition	Typical Source*
<b>Economy</b>		
Resident income	Median Household Income (MHI), adjusted for Regional Price Parity (RPP), as a % of the US	MHI: American Community Survey (US Census Bureau) RPP: US Bureau of Economic Analysis
Full value (\$000)	Estimated market value of taxable property accessible to the district	State repositories, district's audited financial reports, offering documents or continuing disclosure
Population	Population of school district	American Community Survey (US Census Bureau)
Full value per capita	Full value / population of school district	
Enrollment	Student enrollment of school district	State data publications
Enrollment trend	3-year Compound Annual Growth Rate (CAGR) of Enrollment	State data publications; Moody's Investors Service
<b>Financial performance</b>		
Operating revenue (\$000)	Total annual operating revenue in what we consider to be the district's operating funds	Audited financial statements
Available fund balance (\$000)	Committed, assigned and unassigned fund balances in what we consider to be the district's operating funds	Audited financial statements
Net cash (\$000)	Net cash (cash and liquid investments minus short-term debt) in what we consider to be the district's operating funds	Audited financial statements
Available fund balance ratio	Available fund balance / Operating Revenue	Audited financial statements
Net cash ratio	Net Cash / Operating Revenue	Audited financial statements
<b>Leverage</b>		
Debt (\$000)	District's direct gross debt outstanding	Audited financial statements; official statements
ANPL (\$000)	District's pension liabilities adjusted by Moody's to standardize the discount rate used to compute the present value of accrued benefits	Audited financial statements; Moody's Investors Service
OPEB (\$000)	District's net other post-employment benefit (OPEB) liabilities adjusted by Moody's to standardize the discount rate used to compute the present value of accrued benefits	Audited financial statements; Moody's Investors Service
Long-term liabilities ratio	Debt, ANPL and OPEB liabilities as % of operating revenue	Audited financial statements, official statements; Moody's Investors Service
Implied debt service (\$000)	Annual cost to amortize district's long-term debt over 20 years with level payments	Audited financial statements; official statements; Moody's Investors Service
Pension tread water (\$000)	Pension contribution necessary to prevent reported unfunded pension liabilities from growing, year over year, in nominal dollars, if all actuarial assumptions are met	Audited financial statements; Moody's Investors Service
OPEB contributions (\$000s)	District's actual contribution in a given period, typically the fiscal year	Audited financial statements; official statements
Fixed-costs ratio	Implied debt service, pension tread water and OPEB contributions as % of operating revenue	Audited financial statements, official statements, pension system financial statements

\*Note: If typical data source is not available then alternative sources or proxy data may be considered. For more detailed definitions of the metrics listed above please refer to the [US K-12 Public School Districts Methodology](#).

Source: Moody's Investors Service

## Endnotes

- The institutional framework score categorically assesses whether a district has the legal ability to raise the bulk of its operating revenue at the local level or if the state determines the bulk of its operating revenue. Beyond the local versus state categorization, the strength of the institutional framework score is a measure of the district's flexibility in raising additional locally determined operating revenue. See [US K-12 Public School Districts Methodology](#) for more details.

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REPORT NUMBER 1305553

## CLIENT SERVICES

Americas	1-212-553-1653
Asia Pacific	852-3551-3077
Japan	81-3-5408-4100
EMEA	44-20-7772-5454

# PROPOSAL FORM

The School Board  
Independent School District No. 191 (Burnsville-Eagan-Savage), Minnesota (the "District")

October 14, 2021

RE: \$10,725,000\* General Obligation Alternative Facilities Refunding Bonds, Series 2021A (the "Bonds")  
DATED: November 4, 2021

For all or none of the above Bonds, in accordance with the Terms of Proposal and terms of the Global Book-Entry System (unless otherwise specified by the Purchaser) as stated in this Official Statement, we will pay you \$13,027,914.95 (not less than \$10,617,750) plus accrued interest to date of delivery for fully registered Bonds bearing interest rates and maturing in the stated years as follows:

<u>5.00</u>	% due	2023	<u>5.00</u>	% due	2026	<u>5.00</u>	% due	2029
<u>5.00</u>	% due	2024	<u>5.00</u>	% due	2027	<u>5.00</u>	% due	2030
<u>5.00</u>	% due	2025	<u>5.00</u>	% due	2028			

\* The District reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

All Bonds of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

**A good faith deposit ("Deposit") in the amount of \$214,500 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the proposal opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of proposals.** The District reserves the right to award the Bonds to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the District may award the Bonds to the bidder submitting the next best proposal provided such bidder agrees to such award. The Deposit will be retained by the District as liquidated damages if the proposal is accepted and the Purchaser fails to comply therewith. We agree to the conditions and duties of Ehlers and Associates, Inc., as escrow holder of the Deposit, pursuant to the Terms of Proposal. This proposal is for prompt acceptance and is conditional upon delivery of said Bonds to The Depository Trust Company, New York, New York, in accordance with the Terms of Proposal. Delivery is anticipated to be on or about November 4, 2021.

This proposal is subject to the District's agreement to enter into a written undertaking to provide continuing disclosure under Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 as described in the Preliminary Official Statement for the Bonds.

We have received and reviewed the Official Statement, and any addenda thereto, and have submitted our requests for additional information or corrections to the Final Official Statement. As Syndicate Manager, we agree to provide the District with the reoffering price of the Bonds within 24 hours of the proposal acceptance.

This proposal is a firm offer for the purchase of the Bonds identified in the Terms of Proposal, on the terms set forth in this proposal form and the Terms of Proposal, and is not subject to any conditions, except as permitted by the Terms of Proposal.

By submitting this proposal, we confirm that we are an underwriter and have an established industry reputation for underwriting new issuances of municipal bonds. YES:  NO:

If the competitive sale requirements are not met, we elect to use either the:  10% test, or the  hold-the-offering-price rule to determine the issue price of the Bonds.

Account Manager: Robert W. Baird & Co., Inc.  
Account Members: Syndicate Members

By: Charles Galarza

**Award will be on a true interest cost basis.** According to our computations (the correct computation being controlling in the award), the total dollar interest cost (including any discount or less any premium) computed from November 4, 2021 of the above proposal is \$663,678.80 and the true interest cost (TIC) is 0.982553 %.

The foregoing offer is hereby accepted by and on behalf of the School Board of Independent School District No. 191 (Burnsville-Eagan-Savage), Minnesota, on October 14, 2021.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

\* Subsequent to bid opening the issue size was decreased to \$9,680,000.  
Adjusted Price - \$11,776,647.84      Adjusted Net Interest Cost - \$613,568.83      Adjusted TIC - 0.9934%

Extract of Minutes of Meeting  
of the Board of Education of  
Independent School District No. 191  
(Burnsville-Eagan-Savage)  
Dakota and Scott Counties, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the Board of Education of Independent School District No. 191 (Burnsville-Eagan-Savage), Dakota and Scott Counties, Minnesota, was duly held was duly held at the Diamondhead Education Center, Burnsville, Minnesota, on Thursday, October 14, 2021, commencing at 6:30 p.m.

The following directors were present:

and the following were absent:

\* \* \*

\* \* \*

\* \* \*

The Chair announced that the next order of business was consideration of the proposals which had been received for the purchase of the District's General Obligation Alternative Facilities Refunding Bonds, Series 2021A, to be issued in the original aggregate principal amount of \$9,680,000.

The District's municipal advisor presented to the Board a tabulation of the proposals received in the manner specified in the Terms of Proposal of the Bonds. The proposals are attached hereto in EXHIBIT A.

After due consideration of the proposals, Director \_\_\_\_\_ then introduced the following resolution and moved its adoption:

**A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION ALTERNATIVE FACILITIES REFUNDING BONDS, SERIES 2021A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$9,680,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; PROVIDING FOR THEIR PAYMENT; AND PROVIDING FOR THE REDEMPTION OF BONDS REFUNDED THEREBY**

BE IT RESOLVED By the Board of Education (the “Board”) of Independent School District No. 191 (Burnsville-Eagan-Savage), Dakota and Scott Counties, Minnesota (the “District”), as follows:

Section 1. Findings, Determinations; Sale of Bonds.

1.01 Background. It is hereby determined that:

(a) On December 27, 2012, the District issued its General Obligation Alternative Facilities Bonds, Series 2012A (the “Refunded Bonds”), in the original aggregate principal amount of \$16,910,000, currently outstanding in the principal amount of \$12,815,000, of which \$11,705,000 in principal amount is subject to optional redemption on or after February 1, 2022, pursuant to Minnesota Statutes, Chapter 475, as amended (the “Act”), and Minnesota Statutes, Section 123B.59 (as then in effect). Proceeds of the Refunded Bonds were used to finance the construction of facility maintenance projects included in the District’s ten (10) year facility plan.

(b) The District is authorized by Section 475.67, subdivision 3 of the Act to issue and sell its general obligation bonds to refund obligations and the interest thereon before the due date of the obligations, if consistent with covenants made with the holders thereof, when determined by the Board to be necessary or desirable for the reduction of debt service costs to the District or for the extension or adjustment of maturities in relation to the resources available for their payment.

(c) It is necessary and desirable for the reduction of debt service costs to the District that the District issue its General Obligation Alternative Facilities Refunding Bonds, Series 2021A (the “Bonds”), in the original aggregate principal amount of \$9,680,000, pursuant to the Act, specifically Section 475.67, subdivision 3, to redeem and prepay the Refunded Bonds on February 1, 2022 (the “Redemption Date”).

(d) The District is authorized by Section 475.60, subdivision 2(9) of the Act to negotiate the sale of the Bonds because the District has retained an independent municipal advisor in connection with the sale of the Bonds. The actions of the District staff and its municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

(e) Pursuant to a resolution adopted by the Board on September 9, 2021, the District has covenanted and obligated itself to be bound by the provisions of Minnesota Statutes, Section 126C.55, as amended, which provides for payment by the State of Minnesota in the event of a potential default of a school district obligation. The District understands that as a result of its covenant to be bound by said provisions, these provisions shall be binding as long as the Bonds remain outstanding.

1.02. Award to the Purchaser and Interest Rates. The proposal of Robert W. Baird & Co., Inc., Red Bank, New Jersey, as syndicate manager (the “Purchaser”), to purchase the Bonds of the District is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$11,776,647.84 (par amount of the Bonds of \$9,680,000.00, plus original issue premium of \$2,143,678.20, less an underwriter’s discount of \$47,030.36), plus accrued interest, if any, to date of delivery, for Bonds bearing interest as follows:

<u>Year</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Interest Rate</u>
2023	5.000%	2027	5.000%
2024	5.000	2028	5.000
2025	5.000	2029	5.000
2026	5.000	2030	5.000

True interest cost: 0.9934357%

1.03. Purchase Contract. The amount proposed by the Purchaser in excess of the minimum bid shall be credited to the Debt Service Fund hereinafter created or deposited in the Redemption Fund hereinafter created, as determined by the District Treasurer in consultation with the District’s municipal advisor. The good faith deposit of the Purchaser shall be retained and deposited until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement. The Chair and District Clerk are directed to execute a contract with the Purchaser on behalf of the District.

1.04. Terms and Principal Amounts of the Bonds. The District will forthwith issue and sell the Bonds pursuant to the Act, in the total principal amount of \$9,680,000, originally dated November 4, 2021, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1 upward, bearing interest as above set forth, and maturing serially on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2023	\$ 790,000	2027	\$ 975,000
2024	945,000	2028	1,260,000
2025	790,000	2029	1,340,000
2026	910,000	2030	2,670,000

1.05. Optional Redemption. The Bonds are not subject to optional redemption prior to maturity.

## Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication; or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing August 1, 2022, to the registered owners of record thereof as of the close of business on the fifteenth day immediately preceding each interest payment date, whether or not such day is a business day.

2.03. Registration. The District will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the “Registrar” and the “Paying Agent”). The effect of registration and the rights and duties of the District and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred, or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner’s attorney in writing.

(d) Cancellation. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the District.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The District and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner’s order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees, and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee, or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen, or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen, or lost, the Registrar will deliver a new Bond of like amount, number, maturity date, and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen, or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen, or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen, or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance, and amount satisfactory to it and as provided by

law, in which both the District and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the District. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

2.04. Appointment of Initial Registrar. The District appoints Bond Trust Services Corporation, Roseville, Minnesota, as the initial Registrar. The Chair and the District Clerk are authorized to execute and deliver, on behalf of the District, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The District agrees to pay the reasonable and customary charges of the Registrar for the services performed. The District reserves the right to remove the Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of the Board, the District Treasurer must transmit to the Registrar moneys sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication, and Delivery. The Bonds will be prepared under the direction of the District Clerk and executed on behalf of the District by the signatures of the Chair and the District Clerk, provided that those signatures may be printed, engraved, or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of a Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this resolution. When the Bonds have been so prepared, executed, and authenticated, the District Clerk will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

### Section 3. Form of Bond.

3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form attached hereto as EXHIBIT B.

3.02. Approving Legal Opinion. The District Clerk is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, and cause the opinion to be printed on or accompany each Bond.

### Section 4. Payment; Security; Funds; Pledges and Covenants.

4.01. Debt Service Fund. There is hereby created a General Obligation Alternative Facilities Refunding Bonds, Series 2021A Debt Service Fund (the "Debt Service Fund"), to be administered and maintained by the District Treasurer as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the District. The Debt Service Fund will be maintained in the manner herein specified until all of the Refunded Bonds have been paid and until all of the Bonds and the interest thereon have been fully paid. There is hereby pledged and irrevocably appropriated and there will be credited to the Debt Service Fund: (i) collection of all taxes hereafter levied (the "Taxes") for the payment of the Bonds and interest thereon; (ii) amounts over the minimum purchase price paid by the Purchaser, to the

extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof; and (iii) any and all other moneys which are properly available and are appropriated by the Board to the Debt Service Fund. The amount of any surplus remaining in the Debt Service Fund when the Bonds and interest thereon are paid will be used as provided in Section 475.61, subdivision 4 of the Act.

4.02. Redemption Fund. All proceeds of the Bonds, less the appropriations made in Section 4.01 hereof and the costs of issuance of the Bonds, will be deposited in a separate fund (the "Redemption Fund") to be used solely to redeem and prepay the Refunded Bonds on the Redemption Date. Any balance remaining in the Redemption Fund after the redemption of the Refunded Bonds on the Redemption Date shall be deposited in the Debt Service Fund herein created for the Bonds.

4.03. Prior Debt Service Account. The debt service account heretofore established for the Refunded Bonds pursuant to the resolution authorizing the issuance and sale of the Refunded Bonds (the "Prior Resolution") shall be terminated on the Redemption Date, following the redemption of the Refunded Bonds, and all monies therein are hereby transferred to the Debt Service Fund herein created, as applicable.

4.04. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the District will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the District which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

4.05. Pledge of Taxes. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the District to be spread upon the tax rolls and collected with and as part of other general taxes of the District. The Taxes will be credited to the Debt Service Fund above provided and will be in the years and amounts set forth in EXHIBIT C attached hereto.

4.06. Cancellation of Prior Levies after Redemption Date. Following the payment in full of all outstanding principal and interest due on the Refunded Bonds on the Redemption Date, the District Treasurer is hereby directed to certify such fact to and request the Director of Property Taxation and Records of Dakota County, Minnesota and the County Auditor of Scott County, Minnesota (together, the "County Auditors") to cancel any and all tax levies made by the Prior Resolution.

4.07. Registration of Resolution. The District Clerk is authorized and directed to file a certified copy of this resolution with the County Auditors and to obtain the certificate required by Section 475.63 of the Act.

## Section 5. Refunding of Refunded Bonds; Findings; Redemption of Refunded Bonds.

5.01. Purpose of Refunding. The Refunded Bonds will be called for redemption on the Redemption Date in the principal amount of \$11,705,000. It is hereby found and determined that based upon information presently available from the District's municipal advisor, the issuance of the Bonds, a portion of which will be used to redeem and prepay the Refunded Bonds, is consistent with covenants made with the holders of the Refunded Bonds and is necessary and desirable for the reduction of debt service costs to the District.

5.02. Application of Proceeds of Bonds. It is hereby found and determined that the proceeds of the Bonds deposited in the Redemption Fund will be sufficient to prepay all of the principal of, interest on and redemption premium (if any) on the Refunded Bonds.

5.03. Redemption; Date of Redemption. The Refunded Bonds maturing after the Redemption Date will be redeemed and prepaid on the Redemption Date. The Refunded Bonds will be redeemed and prepaid in accordance with their terms and in accordance with the terms and conditions set forth in the form of Notice of Call for Redemption attached hereto as EXHIBIT D, which terms and conditions are hereby approved and incorporated herein by reference. The registrar for the Refunded Bonds is authorized and directed to send a copy of the Notice of Call for Redemption to each registered holder of the Refunded Bonds at least thirty (30) days prior to the Redemption Date.

Section 6. Authentication of Transcript.

6.01. District Proceedings and Records. The officers of the District are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds certified copies of proceedings and records of the District relating to the Bonds and to the financial condition and affairs of the District, and such other certificates, affidavits, and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the District as to the facts stated therein.

6.02. Certification as to Official Statement. The Chair, the District Clerk, and the District Treasurer are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

6.03. Other Certificates. The Chair, the District Clerk, and the District Treasurer are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the District or incumbency of its officers, at the closing the Chair, the District Clerk, and the District Treasurer shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the District Treasurer shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

6.04. Electronic Signatures. The electronic signature of the Chair, the District Clerk, and/or the District Treasurer to this resolution and to any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the District thereto. For purposes hereof, (i) "electronic signature" means a manually signed original signature that is then transmitted by electronic means; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message.

6.05. Payment of Costs of Issuance. The District authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses in accordance with the closing memorandum to be prepared and distributed by Ehlers and Associates, Inc., the municipal advisor to the District, on the date of closing.

Section 7. Tax Covenants.

7.01. Tax-Exempt Bonds. The District covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the “Code”), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

7.02. Rebate. The District will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amount invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States.

7.03. Not Private Activity Bonds. The District further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be “private activity bonds” within the meaning of Sections 103 and 141 through 150 of the Code.

7.04. Not Qualified Tax-Exempt Obligations. The District shall not designate the Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code.

7.05. Procedural Requirements. The District will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 8. Book-Entry System; Limited Obligation of District.

8.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns (“DTC”). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

8.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the District, the Registrar, and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the “Participants”) or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds; (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The District, the Registrar, and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order

of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the District's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the District Clerk of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." will refer to such new nominee of DTC; and upon receipt of such a notice, the District Clerk will promptly deliver a copy of the same to the Registrar and Paying Agent.

8.03. Representation Letter. The District has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the District with respect to the Bonds will agree to take all action necessary for all representations of the District in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

8.04. Transfers Outside Book-Entry System. In the event the District, by resolution of the Board, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the District will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the District will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the District and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the District will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange, and method of payment thereof.

8.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

#### Section 9. Continuing Disclosure.

9.01. Execution of Continuing Disclosure Certificate. For purposes of this section, "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Chair and District Clerk and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

9.02. District Compliance with Provisions of Continuing Disclosure Certificate. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the District to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this section.

Section 10. Defeasance. When all of the Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants, and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the District for the prompt and full

payment of the principal of and interest on the Bonds will remain in full force and effect. The District may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

(The remainder of this page is intentionally left blank.)

The motion for the adoption of the foregoing resolution was duly seconded by Director \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

**EXHIBIT A**  
**PROPOSALS**



## BID TABULATION

**\$10,725,000\* General Obligation Alternative Facilities Refunding Bonds, Series 2021A**

**Independent School District No. 191 (Burnsville-Eagan-Savage), Minnesota**

**SALE:** October 14, 2021

**AWARD:** BAIRD

**MN Credit Enhancement Rating:** Moody's Investor's Service "Aa2"

**Underlying Rating:** Moody's Investor's Service "Aa3"

Tax Exempt - Non-Bank Qualified

NAME OF BIDDER	MATURITY (February 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
BAIRD				\$13,027,914.95	\$663,678.80	0.9825%
Red Bank, New Jersey	2023	5.000%	0.180%			
C.L. King	2024	5.000%	0.240%			
Collier Securities	2025	5.000%	0.320%			
Edward Jones	2026	5.000%	0.500%			
Fidelity Capital	2027	5.000%	0.650%			
Davenport & Co. L.L.	2028	5.000%	0.900%			
Loop Capital	2029	5.000%	1.050%			
Country Club Bank	2030	5.000%	1.150%			
Crews & Associates, Sierra Pacific Sec.						
Isaak Bond Investmen						
Wayne Hummer & Co.						
SumRidge Partners						
Celadon Financial Gr						
Oppenheimer & Co.						
Midland Securities						
FMS Bonds Inc.						
First Southern LLC						
Commerce Bank, N.A.						
InspereX						
Dinosaur Sec						
First Bankers' Banc						
Mountainside Sec						

\* Subsequent to bid opening the issue size was decreased to \$9,680,000.

Adjusted Price - \$11,776,647.84

Adjusted Net Interest Cost - \$613,568.83

Adjusted TIC - 0.9934%

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<b>NAME OF BIDDER</b>	<b>MATURITY (February 1)</b>	<b>RATE</b>	<b>REOFFERING YIELD</b>	<b>PRICE</b>	<b>NET INTEREST COST</b>	<b>TRUE INTEREST RATE</b>
RAYMOND JAMES & ASSOCIATES, INC. St. Petersburg, Florida				\$13,023,636.30	\$667,957.45	0.9891%
STONEX FINANCIAL INC Atlanta, Georgia				\$13,008,688.45	\$682,905.30	1.0120%
J.P. MORGAN SECURITIES LLC New York, New York				\$12,995,218.50	\$696,375.25	1.0326%

Bid Tabulation  
Independent School District No. 191 (Burnsville-Eagan-Savage), Minnesota  
\$10,725,000\* General Obligation Alternative Facilities Refunding Bonds, Series 2021A

October 14, 2021

Page 2

**EXHIBIT B**  
**FORM OF BOND**

No. R-\_\_\_\_\_ UNITED STATES OF AMERICA \$ \_\_\_\_\_  
STATE OF MINNESOTA  
COUNTIES OF DAKOTA AND SCOTT  
INDEPENDENT SCHOOL DISTRICT NO. 191  
(BURNSVILLE-EAGAN-SAVAGE)

GENERAL OBLIGATION ALTERNATIVE FACILITIES REFUNDING BOND  
SERIES 2021A

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	February 1, 20__	November 4, 2021	

Registered Owner: Cede & Co.

Independent School District No. 191 (Burnsville-Eagan-Savage), a duly organized and existing school district in Dakota and Scott Counties, Minnesota (the "District"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns the principal sum of \$ \_\_\_\_\_ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360 day year of twelve 30 day months), payable February 1 and August 1 in each year, commencing August 1, 2022, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Bond Trust Services Corporation, Roseville, Minnesota, as Registrar, Paying Agent, Transfer Agent, and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the District have been and are hereby irrevocably pledged.

This Bond is not subject to optional redemption prior to maturity.

This Bond is one of an issue in the aggregate principal amount of \$9,680,000 all of like original issue date and tenor, except as to number, maturity date, and interest rate, all issued pursuant to a resolution adopted by the Board of Education of the District (the "Board") on October 14, 2021 (the "Resolution"), for the purpose of refunding certain outstanding general obligations of the District, pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 475, as amended, specifically Section 475.67, subdivision 3. The principal hereof and interest hereon are payable primarily from ad valorem taxes, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the District are irrevocably pledged for payment of this Bond and the Board has obligated itself to levy additional ad valorem taxes on all taxable property in the District in the event of any deficiency, which additional taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof of single maturities.

The Board has not designated the issue of Bonds of which this Bond forms a part as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), relating to disallowance of interest expense for financial institutions and within the \$10 million limit allowed by the Code for the calendar year of issue.

The District has covenanted and obligated itself to be bound by the provisions of Minnesota Statutes, Section 126C.55, as amended, and to guarantee the payments of the principal of and interest on this Bond when due, pursuant to said statute.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the District at the principal office of the Registrar, by the registered owner hereof in person or by the owner’s attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner’s attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the District will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee, or governmental charge required to be paid with respect to such transfer or exchange.

The District and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the District nor the Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the District in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond does not cause the indebtedness of the District to exceed any constitutional or statutory limitation of indebtedness.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the Independent School District No. 191 (Burnsville-Eagan-Savage), Dakota and Scott Counties, Minnesota, by its Board of Education, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Chair and District Clerk has caused this Bond to be dated as of the date set forth below.

Dated: November 4, 2021

**INDEPENDENT SCHOOL DISTRICT  
NO. 191 (BURNSVILLE-EAGAN-SAVAGE),  
DAKOTA AND SCOTT COUNTIES,  
MINNESOTA**

\_\_\_\_\_  
(Facsimile)  
Chair

\_\_\_\_\_  
(Facsimile)  
District Clerk

---

**CERTIFICATE OF AUTHENTICATION**

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

**BOND TRUST SERVICES CORPORATION**

By \_\_\_\_\_  
Its Authorized Representative

---

**ABBREVIATIONS**

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT  
\_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust) (Minor)

TEN ENT -- as tenants by entireties

under Uniform Gifts or Transfers to Minors  
Act, State of \_\_\_\_\_

JT TEN -- as joint tenants with right of  
survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

---

**ASSIGNMENT**

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program (“STAMP”), the Stock Exchange Medallion Program (“SEMP”), the New York Stock Exchange, Inc. Medallion Signatures Program (“MSP”) or other such “signature guarantee program” as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Include information for all joint owners if this Bond is held by joint account.)

Please insert social security or other identifying number of assignee

\_\_\_\_\_

\_\_\_\_\_  
**PROVISIONS AS TO REGISTRATION**

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Officer of Registrar</u>
_____	Cede & Co. Federal ID #13-2555119	_____



**EXHIBIT D****NOTICE OF CALL FOR REDEMPTION**

\$16,910,000  
 INDEPENDENT SCHOOL DISTRICT NO. 191  
 (BURNSVILLE-EAGAN-SAVAGE)  
 DAKOTA AND SCOTT COUNTIES, MINNESOTA  
 GENERAL OBLIGATION ALTERNATIVE FACILITIES BONDS  
 SERIES 2012A

NOTICE IS HEREBY GIVEN that, by order of the Board of Education of Independent School District No. 191 (Burnsville-Eagan-Savage), Dakota and Scott Counties, Minnesota (the "District"), there have been called for redemption and prepayment on

February 1, 2022

all outstanding bonds of the District designated as General Obligation Alternative Facilities Bonds, Series 2012A, dated December 27, 2012, having stated maturity dates of February 1 in the years 2023 through 2030, both inclusive, totaling \$11,705,000 in principal amount, and with the following CUSIP numbers:

Year of Maturity	Amount	CUSIP Number
2023	\$1,090,000	122475 WM4
2024	1,115,000	122475 WN2
2025	1,095,000	122475 WP7
2026	1,200,000	122475 WQ5
2027	1,245,000	122475 WR3
2028	1,510,000	122475 WS1
2029	1,570,000	122475 WT9
2030	2,880,000	122475 WU6

The bonds are being called at a price of par plus accrued interest to February 1, 2022, on which date all interest on said bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment at the main office of Bond Trust Services Corporation, 3060 Centre Pointe Drive, Roseville, Minnesota 55113, on or before February 1, 2022.

Important Notice: In compliance with the Economic Growth and Tax Relief Reconciliation Act of 2009, the paying agent is required to withhold a specified percentage of the principal amount of the redemption price payable to the holder of any bonds subject to redemption and prepayment on the redemption date, unless the paying agent is provided with the Social Security Number or Federal Employer Identification Number of the holder, properly certified. Submission of a fully executed Request for Taxpayer Identification Number and Certification, Form W-9, will satisfy the requirements of this paragraph.

Dated: \_\_\_\_\_.

BY ORDER OF THE BOARD OF  
EDUCATION OF INDEPENDENT SCHOOL  
DISTRICT NO. 191 (BURNSVILLE-EAGAN-  
SAVAGE), DAKOTA AND SCOTT  
COUNTIES, MINNESOTA

By /s/ Scott Hume  
District Clerk  
Independent School District No. 191  
(Burnsville-Eagan-Savage), Dakota and Scott  
Counties, Minnesota



**Agenda IV.B.2.  
October 14, 2021**

**To:** Board of Education  
Dr. Theresa Battle, superintendent

**From:** Imina Oftedahl, director of curriculum, instruction and assessment

**Date:** October 7, 2021

**Re:** Changes to Policies 604: *Instructional Curriculum*, 612.1: *Title I Family Engagement*,  
and 620: *Credit for Learning*

**Recommendation:** Approve, on a first reading basis, changes to Policies 604: *Instructional Curriculum*, 612.1: *Title I Family Engagement*, and 620: *Credit for Learning*.

The policies were reviewed by the Policy Review Committee on September 20. The changes were made based on recommendations from administration and the Policy Review Committee.

Adopted: 12/17/2015

Burnsville-Eagan-Savage School District Policy 604

Reviewed: ~~10/26/2017~~ 10/14/2021

Revised:

Rescinds:

## 604 INSTRUCTIONAL CURRICULUM

### I. PURPOSE

The purpose of this policy is to provide for the development of course offerings for students.

### II. GENERAL STATEMENT OF POLICY

- A. The basic instructional program shall meet all standards and other content requirements for each grade level by the Minnesota Department of Education. The instructional approach will be nondiscriminatory.
- B. The school board, at its discretion, may offer additional courses in the instructional program at any grade level.
- C. Each instructional program shall be planned for optimal benefit taking into consideration the financial condition of the school district and ~~other to her~~ relevant factors. Each program plan should contain alignment with required standards, goals and objectives, materials, and methods for student evaluation.<sup>[101]</sup> Each instructional program should support culturally responsive instruction and reflect diversity, inclusion, and representation of multiple perspectives.
- D. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to instructional curriculum.
- E. The school district shall assist all students by grade 6 and no later than grade 9 to explore their college and career interests and aspirations and develop a plan for a smooth and successful transition to postsecondary education or employment.

**Legal References:** Minn. Stat. § 120A.22 (Compulsory Instruction)  
 Minn. Stat. § 120B.021 (Required Academic Standards)  
 Minn. Stat. § 120B.022 (Elective Standards)  
 Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Involuntary Career Tracking Prohibited)  
 Minn. Stat. § 120B.236 (Cardiopulmonary Resuscitation and Automatic External Defibrillator Instruction)

**Cross References:**

Burnsville-Eagan-Savage School District Policy 105 (Equity, Access and Excellence in Education)

Burnsville-Eagan-Savage School District Policy 603 (Curriculum Development)

Burnsville-Eagan-Savage School District Policy 605 (Alternative Programs)

*Adopted: 05/2003*

*Burnsville-Eagan-Savage School District Policy 612.1*

*Reviewed: ~~10/26/2017~~ 10/14/2021*

*Revised: 11/16/2017*

*Rescinds: KAA*

## **612.1 TITLE I FAMILY ENGAGEMENT**

### **I. PURPOSE**

The purpose of this policy is to encourage and facilitate engagement by parents of students participating in Title I in the educational programs and experiences of students. The policy shall provide the framework for organized, systematic, ongoing, informed and timely parental engagement in relation to decisions about the Title I services within the school district. The engagement of parents by the school district shall be directed toward both public and private school children whose parents are school district residents or whose children attend school within the boundaries of the school district.

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

- A. The policy of the school district is to plan and implement, with meaningful consultation with parents of participating children, programs, activities and procedures for the engagement of parents and families in its Title I programs.
- B. The policy of the school district is to comply with 20 U.S.C. § 6318 which requires the school district to develop jointly with, agree upon with, and distribute to parents of children participating in Title I programs written parent and family engagement policies.

### **III. DEFINITIONS**

For the purposes of this policy, “parent” is defined as a person or persons who look after and/or are legally responsible for a child who is a student in District 191.

### **IV. COMMUNICATION**

The school board is committed to establishing and supporting planned and systematic two-way communication between the school district and its staff, students, parents, and community members. The Family Engagement Policy will provide direction for the communication activities between Title I schools and parents.

- A. Involve parents and family members in the joint development of the school district’s Title I plan and the development of support and improvement plans;
- B. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the school district in planning and implementing effective parent and family involvement activities

to improve student academic achievement and school performance, meaningful consultation with individuals with expertise in effectively engaging parents and family members in education;

- C. Coordinate and integrate parent and family engagement strategies with similar strategies, to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs under other programs;
- D. Conduct, with the meaningful engagement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of the schools served, including identifying barriers to greater participation by parents in parental engagement activities (including parents of students who have been historically underserved, students served by IEPs, and multilingual students with particular attention to, parents who are economically disadvantaged, disabled, have limited English proficiency, have limited literacy, or who are of a racial or ethnic minority background); the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and strategies to support successful school and family interactions;
- E. Use the findings of such evaluations to design evidence-based strategies for more effective parental engagement and to revise, if necessary, the district-level policy and school-level parent and family engagement plans; and
- F. Involve parents in the activities of the schools, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the school district to adequately represent the needs of the population served by the school district for the purposes of developing, revising, and reviewing the parent and family engagement policy.
- G. A Title I school district website will be established that will include this Family Engagement Policy.
- G.H. Communication with parents will be provided in the parent's preferred language whenever reasonably possible.

## V. PARENTING

The Family Engagement Plan of each Title I school will encourage high student achievement by sharing this responsibility between home and school.

- A. Parents will be notified of workshops and other programs that meet the needs expressed by parents.
- B. The Family-School Compact will be developed with input from families and will articulate the responsibilities parents, students, and schools share for students' success in achieving the state's high standards.

## **VI. DECISION-MAKING AND ADVOCACY**

- A. The advisory committee is comprised of school district staff and parents who represent participating schools, public and nonpublic. The purpose of this committee is to accomplish the following:
1. Preview and provide input into the Family Engagement Policy;
  2. Disseminate information to parents;
  3. Be available to answer parents' questions; and
  4. Review the school district's Title I Program.

## **VII. VOLUNTEERING**

Title I learners are best served by the active participation of all parents and citizens of their community. Volunteers help individualize instruction, promote school and community interaction, support school activities, provide multi-generational and multi-cultural experiences, and enrich the curriculum for all learners. The school district encourages the engagement of volunteers.

## **VIII. COLLABORATING WITH THE COMMUNITY**

To ensure effective engagement of parents and to support a partnership among the school, parents, and community to improve academic achievement, Title I schools will coordinate with similar other programs, such as Head Start, Early Childhood Family Education, Parent-Teacher- Student Organizations, and Community Education Services.

***Legal References:*** 20 U.S.C. § 6318 (Parent and Family Engagement)

***Cross References:***

Adopted: 4/1997  
 Reviewed: ~~5/23/2019~~10/14/2021  
 Revised: 6/13/2019  
 Rescinds: IKF

*Burnsville-Eagan-Savage School District Policy 620*

## **620 CREDIT FOR LEARNING**

### **I. PURPOSE**

The purpose of this policy is to recognize student achievement which occurs in Post-Secondary Enrollment Options and other advanced enrichment programs. The purpose of this policy also is to recognize student achievement which occurs in other schools, in alternative learning sites, and in out-of-school experiences such as community organizations, work-based learning, and other educational activities and opportunities. The purpose of this policy also is to address the transfer of student credit from out-of-state, out-of-country, private, or home schools and online learning programs and to address how the school district will recognize student achievement obtained outside of the school district.

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

The policy of the school district is to provide a process for awarding students credit toward graduation requirements for credits and grades students complete in other schools, post-secondary or higher education institutions, other learning environments, and online courses and programs.

### **III. DEFINITIONS**

- A. “Accredited school” means a school that is accredited by an accrediting agency, recognized according to Minn. Stat. § 123B.445 or recognized by the Commissioner of the Minnesota Department of Education (MDE).
- B. “Blended learning” is a form of digital learning that occurs when a student learns part time in a supervised physical setting and part time through digital delivery of instruction, or a student learns in a supervised physical setting where technology is used as a primary method to deliver instruction.
- C. “Commissioner” means the Commissioner of MDE.
- D. “Digital learning” is learning facilitated by technology that offers students an element of control over the time, place, path, or pace of their learning and includes blended and online learning.
- E. “Eligible institution” means a Minnesota public post-secondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by the North Central

Association of Colleges and Schools, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

- F. “Nonpublic school” is a private school or home school in which a child is provided instruction in compliance with the Minnesota compulsory attendance laws.
- G. “Online learning” is a form of digital learning delivered by an approved online learning provider.
- H. “Online learning provider” is a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides online learning to students and is approved by MDE to provide online learning courses.
- I. “Weighted grades” is the upward adjustment of numerical value of student grades in the calculation of grade point averages.

#### IV. TRANSFER OF CREDIT FROM OTHER SCHOOLS

- A. Transfer of Academic Requirements from Other Minnesota Public Secondary Schools

The school district will accept and transfer secondary credits and grades awarded to a student from another Minnesota public secondary school upon presentation of a certified transcript from the transferring public secondary school evidencing the course taken and the grade and credit awarded.

- B. Transfer of Academic Requirements from Other Schools

- 1. The school district will accept secondary credits and grades awarded to a student for courses successfully completed at a public school outside of Minnesota or an accredited nonpublic school upon presentation of a certified transcript from the transferring public school in another state or country or nonpublic school evidencing the course taken and the grade and credit awarded.
  - a. When a determination is made that the content of the course aligns directly with school district graduation requirements, the student will be awarded commensurate credits and grades.
  - b. In the event the content of a course taken at an accredited nonpublic school or public school in another state or country does not fully align with the content of the school district’s high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements. Credit that does not

- fully align with the school district's high school graduation requirements will not be used to compute honor roll and/or class rank.
- c. If no comparable course is offered by the school district for which high school graduation credit would be provided, no credit will be provided to the student.
2. Students transferring from a non-accredited, nonpublic school shall receive credit from the school district upon presentation of a transcript or other documentation evidencing the course taken and grade and credit awarded.
    - a. Students will be required to provide copies of course descriptions, syllabi, or work samples for determination of appropriate credit. In addition, students also may be asked to provide interviews/conferences with the student and/or student's parent and/or former administrator or teacher; review of a record of the student's entire curriculum at the nonpublic school; and review of the student's complete record of academic achievement.
    - b. Where the school district determines that a course completed by a student at a non-accredited, nonpublic school is commensurate with school district graduation requirements, credit shall be awarded, but the grade shall be "P" (pass).
    - c. In the event the content of a course taken at a non-accredited, nonpublic school does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements, but the grade shall be a "P" (pass).
    - d. If no comparable course is offered by the school district for which local high school graduation credit would be provided, no credit will be provided to the student.
    - e. Credit and grades earned from a non-accredited nonpublic school shall not be used to compute honor roll and/or class rank.

## **V. POST-SECONDARY ENROLLMENT CREDIT**

- A. A student who satisfactorily completes a post-secondary enrollment options course or program under Minn. Stat. § 124D.09 that has been approved as meeting the necessary requirements is not required to complete other requirements of the Minnesota Academic Standards content standards corresponding to that specific rigorous course of study.
- B. Secondary credits granted to a student through a post-secondary enrollment options

course or program that meets or exceeds a graduation standard or requirement shall be counted toward the graduation and credit requirements of a student completing the Minnesota Academic Standards.

1. Course credit will be considered by the school district only upon presentation of a certified transcript from an eligible institution evidencing the course taken and the grade and credit awarded.
  2. Seven quarter or four semester post-secondary credits shall equal at least one full year of high school credit. Fewer post-secondary credits may be prorated.
  3. When a determination is made that the content of the post-secondary course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
  4. In the event the content of the post-secondary course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
  5. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner, who shall determine the number of credits that shall be granted to a student.
  6. When secondary credit is granted for post-secondary credits taken by a student, the school district will record those credits on the student's transcript as credits earned at a post-secondary institution.
- C. A list of the courses or programs meeting the necessary requirements may be obtained from the school district.

## **VI. CREDIT FROM ONLINE LEARNING COURSES**

- A. Secondary credits granted to a student through an online learning course or program that meets or exceeds a graduation standard or requirement shall be counted toward the graduation and credit requirements of a student completing the Minnesota Academic Standards.
- B. Course credit will be considered only upon official documentation from the online learning provider evidencing the course taken and the grade and credit awarded to the student.

- C. When a student provides documentation from an online learning provider, the course credit and course grade shall be recorded and counted toward graduation credit requirements for all courses or programs that meet or exceed the school district's graduation requirements in the same manner as credits are awarded for students transferring from another Minnesota public school as set forth in Section IV.A. above.

## VII. ADVANCED ACADEMIC CREDIT

- A. The school district will grant academic credit to a student attending an accelerated or advanced academic course offered by a higher education institution or a nonprofit public agency, other than the school district.
- B. Course credit will be considered only upon official documentation from the higher education institution or nonprofit public agency that the student successfully completed the course attended and passed an examination approved by the school district.
- C. When a determination is made that the content of the advanced academic course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
- D. In the event the content of the advanced academic course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
- E. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner and request a determination of the number of credits that shall be granted to a student.

## VIII. CREDIT BY ASSESSMENT

E.

- A. The school district will develop and provide processes and procedures by which students may meet a graduation requirement for knowledge acquired in another learning environment for which no transcript or official documentation exists. There are two methods by which a student may demonstrate learning that aligns with district graduation requirements and complete other requirements of the Minnesota Academic Standards which may allow credit in lieu of standard curriculum offered by the district. This can occur through demonstration of previous learning by submitting a portfolio of evidence or by demonstrating knowledge through an exam process administered by school district staff.

## VIII.IX. WEIGHTED GRADES

- A. The school district does not offer weighted grades.
- B. The district will use a dual-ranking system at the high school level, which allows students to be ranked separately by taking [honors-identified rigorous](#) courses. All students can access [honors-identified rigorous](#) classes at the high school level.

#### **IX.X. PROCESS FOR AWARDING CREDIT**

- A. The building principal will be responsible for carrying out the process to award credits and grades pursuant to this policy. The building principal will notify students in writing of the decision as to how credits and grades will be awarded.
- B. A student or the student's parent or guardian may seek reconsideration of the decision by the building principal as to credits and/or grades awarded upon request of a student or the student's parent or guardian if the request is made in writing to the superintendent within five school days of the date of the building principal's decision. The request should set forth the credit and/or grade requested and the reason(s) why credit(s)/grade(s) should be provided as requested. Any pertinent documentation in support of the request should be submitted.
- C. The decision of the superintendent as to the award of credits or grades shall be a final decision by the school district and shall not be appealable by the student or student's parent or guardian except as set forth in Section IX.D. below.
- D. If a student disputes the number of credits granted by the school district for a particular post-secondary enrollment course, online learning course, or advanced academic credit course, the student may appeal the school district's decision to the Commissioner. The decision of the Commissioner shall be final.
- E. At any time during the process, the building principal or superintendent may ask for course descriptions, syllabi, or work samples from a course where content of the course is in question for purposes of determining alignment with graduation requirements or the number of credits to be granted. Students will not be provided credit until requested documentation is available for review, if requested.

***Legal References:*** Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)  
 Minn. Stat. § 120B.021 (Required Academic Standards)  
 Minn. Stat. § 120B.11 (School District Process)  
 Minn. Stat. § 120B.14 (Advanced Academic Credit)  
 Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
 Minn. Stat. § 123B.445 (Nonpublic Education Council)  
 Minn. Stat. § 124D.03, Subd. 9 (Enrollment Options Program)  
 Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Act)  
 Minn. Stat. § 124D.095 (Online Learning Option)  
 Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)

Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
 Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)  
 Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
 Minn. Rules Parts 3501.1000-3501.1190 (Graduation-Required Assessment for Diploma) (repealed Minn. L. 2013, Ch. 116, Art. 2, § 22)  
 Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)  
 Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 104 (School District Mission Statement)  
 Burnsville-Eagan-Savage School District Policy 601 (School District Curriculum and Instruction Goals)  
 Burnsville-Eagan-Savage School District Policy 613 (Graduation Requirements)  
 Burnsville-Eagan-Savage School District Policy 614 (School District Testing Plan and Procedure)  
 Burnsville-Eagan-Savage School District Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
 Burnsville-Eagan-Savage School District Policy 616 (School District System Accountability)  
 Burnsville-Eagan-Savage School District Policy 618 (Assessment of Student Achievement)  
 Burnsville-Eagan-Savage School District Policy 624 (Online Learning Options)



**Agenda IV.B.3.  
October 14, 2021**

**To:** Board of Education  
Dr. Theresa Battle, superintendent

**From:** Brian Gersich, assistant superintendent

**Date:** October 7, 2021

**Re:** Changes to Policies 504: Student Dress and Appearance, and 506: Student Discipline

**Recommendation:** Approve, on a first reading basis, changes to Policies 504: *Student Dress and Appearance*, and 506: *Student Discipline*.

The policies were reviewed by the Policy Review Committee on September 20. The changes were made based on recommendations from administration and the Policy Review Committee.

Adopted: 9/24/2015

Burnsville-Eagan-Savage School District Policy 504

Reviewed: ~~12/13/2018~~ 10/14/2021

Revised: 1/10/2019

Rescinds:

## 504 STUDENT DRESS AND APPEARANCE

### I. PURPOSE

The purpose of this policy is to enhance the learning environment of students by establishing expectations of dress and grooming that are related to educational goals and community standards.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to encourage students to be dressed appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the student's parent(s) or guardian(s).
- B. Appropriate clothing includes, but is not limited to, the following:
  1. Clothing appropriate for the weather.
  2. Clothing that does not create a health or safety hazard.
  3. Clothing appropriate for the activity (i.e., physical education or the classroom).
- C. Inappropriate clothing includes, but is not limited to, the following:
  1. Tops that are low cut, expose the midriff, ~~cleavage~~, and other clothing ~~such as shorts~~ that expose undergarments.
  2. Clothing bearing a message that is lewd, vulgar, or obscene.
  3. Apparel promoting products or activities that are illegal for use by minors.
  4. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry (including sports apparel) communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in Burnsville-Eagan-Savage School District Policy 413.
  5. Any apparel or footwear that would damage school property.

~~D. Headgear, including hats or head coverings, are not allowed in the building except with the approval of the building principal (i.e., student undergoing chemotherapy, medical situations, student religious practice or belief).~~

DE. The intention of this policy is not to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, or do not advocate violence or harassment against others.

### III, PROCEDURES

- A. When, in the judgment of the administration, a student's appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.
- B. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians.
- C. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to the administration for approval.

**Legal References:** U. S. Const., amend. I  
*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*B.W.A. v. Farmington R-7 Sch. Dist.*, 554 F.3d 734 (8<sup>th</sup> Cir. 2009)  
*Lowry v. Watson Chapel Sch. Dist.*, 540 F.3d 752 (8<sup>th</sup> Cir. 2008)  
*Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997)  
*B.H. ex rel. Hawk v. Easton Area School Dist.*, 725 F.3d 293 (3<sup>rd</sup> Cir. 2013)  
*D.B. ex rel. Brogdon v. Lafon*, 217 Fed.Appx. 518 (6<sup>th</sup> Cir. 2007)  
*Hardwick v. Heyward*, 711 F.3d 426 (4<sup>th</sup> Cir. 2013)  
*Madrid v. Anthony*, 510 F.Supp.2d 425 (S.D. Tex. 2007)  
*McIntire v. Bethel School, Indep. Sch. Dist. No. 3*, 804 F.Supp. 1415 (W.D. Okla. 1992)  
*Hicks v. Halifax County Bd. of Educ.*, 93 F.Supp.2d 649 (E.D. N.C. 1999)  
*Olesen v. Bd. of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820 (N.D. Ill. 1987)

**Cross References:** Burnsville-Eagan-Savage School District Policy 413 (Harassment and Violence)

Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)  
Burnsville-Eagan-Savage School District Policy 525 (Violence  
Prevention)

Adopted: 5/04  
 Reviewed: ~~8/27/2020~~10/14/2021  
 Revised: 9/10/2020  
 Rescinds: JFC

*Burnsville-Eagan-Savage School District Policy 506*

## **506 STUDENT DISCIPLINE**

### **I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that the school district's work toward its mission of providing an exemplary educational program to its students is not interrupted. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

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

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked to the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate,

has developed this policy which governs student conduct and applies to all students of the school district.

### III. AREAS OF RESPONSIBILITY

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are

expected to cooperate with school authorities and to participate regarding the behavior of their children.

- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

#### **IV. STUDENT RIGHTS**

All students have the right to an education and the right to learn.

#### **V. STUDENT RESPONSIBILITIES**

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;

- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

## **VI. CODE OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.
  - 1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
  - 2. The use of profanity or obscene language, or the possession of obscene materials;
  - 3. Gambling, including, but not limited to, playing a game of chance for stakes;
  - 4. Violation of the school district's Hazing Prohibition Policy;
  - 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
  - 6. Violation of the school district's Student Attendance Policy;

7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco- and Smoke-Free Environment Policy.
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;

20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of the school district's ~~Internet~~ **Electronic Technologies Acceptable Use Policy** and ~~Safety Policy~~;
22. Use of devices or objects to cause distractions or facilitate cheating;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the school district's Bullying Prohibition Policy;
30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a **member of a** protected ~~minority~~ group or which connotes gang membership;
31. Falsification of any records, documents, notes, or signatures;
32. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;

33. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of electronic devices or other technology to accomplish this end;
34. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other school district personnel;
35. Violation of the school district's Harassment and Violence Policy;
36. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
37. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
38. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
39. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to damage school property;
40. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
41. Inappropriate, abusive, threatening, or demeaning actions ~~based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;~~ **based on race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, or disability.**
42. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
43. Violation of the school district's one-to-one device rules and regulations;
44. Inappropriate use of personal electronic devices (cell phone, game console) Filming or recording in any manner the conduct or activities of other students or staff on district property without permission. In addition, any distribution, transmission, sharing or broadcasting of such activities/conduct on social media or elsewhere is prohibited. This

prohibition does not apply to public events held on district property;

45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
46. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

## **VII. DISCIPLINARY ACTION OPTIONS**

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;

- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Expulsion under the Pupil Fair Dismissal Act;
- S. Exclusion under the Pupil Fair Dismissal Act; and/or
- T. Restorative conversations or practices
- U. Reteaching expectations
- V. Other disciplinary action as deemed appropriate by the school district.

### **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. The teacher of record shall have the general control and governance of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as outlined in the Student/Parent Handbook. "Removal from class" and "removal" mean any actions taken by an authorized school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy. The building principal must approve a student's removal from class which exceeds one day.

Grounds for removal from class shall include any of the following:

- 1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

- B. Prior to removing the student from the classroom, a teacher must employ response strategies, including a restatement of expectations (warning) so that the student understands that continual disruption might lead to removal from class. When the student's behavior is extreme or unsafe, an immediate removal may be warranted.
- C. Within 24 hours of the removal, the teacher who removed the student must make a good faith effort to inform the student's parent or guardian by phone or in person that the student was removed from class. A good faith effort should include, as appropriate and/or necessary, multiple attempts to contact the parent and/or guardian using a variety of communication tools including, but not limited to phone calls, email, text messages, home visits, or other contacts. Efforts should be made to use the parent's or guardian's preferred method of communication, if known. The teacher must also submit a concise, objective written explanation of the basis for the removal, using the appropriate district approved behavior documentation system.
- D. After the teacher has removed the student from class the teacher must notify the principal or designee in the appropriate district approved behavior documentation system of:
  1. A record of teacher interventions and parent or guardian contacts,
  2. The basis for the removal,
  3. The interventions approved and other steps considered or taken to avoid the need for removal.
- E. When a teacher removes a student from class, the principal or designee shall follow up with teacher, student, and parent or guardian regarding next steps as it relates to the student code of conduct and the building student support plan.

## **IX. DISMISSAL**

- A. “Dismissal” means the denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

- C. Suspension Procedures

1. “Suspension” means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student’s total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian’s expense. The purpose of this meeting is to attempt to determine the pupil’s need for assessment or other services or whether the parent or guardian should have the student assessed

or diagnosed to determine whether the student needs treatment for a mental health disorder.

3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The school administration shall not suspend a student from school without an informal administrative conference with the student. Effort will be made

to include parent or guardian in the administrative conference. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.

7. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
8. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.
9. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
11. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend

beyond the school year. The authority to exclude rests with the school board.

3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and

the parent or guardian providing them with access to and/or copies of the student's records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision

of the school board shall be implemented during the appeal to the Commissioner.

19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

#### **X. ADMISSION OR READMISSION PLAN**

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

#### **XI. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

#### **XII. STUDENT DISCIPLINE RECORDS**

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

#### **XIII. STUDENTS WITH DISABILITIES**

- A. Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.
- B. Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was
  - 1. caused by or had a direct and substantial relationship to the child's disability and
  - 2. whether the child's conduct was a direct result of a failure to implement the child's IEP.
- C. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise.
- D. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.
- E. School personnel may order a change in the placement of a student with a disability for the same amount of time that a student without a disability would be subject to discipline, but not to exceed 45 school days, if a student with a disability:
  - 1. carries or possesses a weapon; or
  - 2. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
  - 3. inflicts serious bodily harm upon another person;

while on school transportation, at school, on school premises, or at a school function.

The IEP team must include services and modifications designed to address the misbehavior which led to the placement in an interim alternative educational setting, expulsion, or exclusion, and modifications designed to address the behavior that gave rise to the 45-day placement.

- F. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

#### **XIV. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

#### **XV. DISTRIBUTION OF POLICY**

The school district will notify students and parents of the existence and contents of this policy through the Independent School District 191 Student/Parent Handbook or in such a manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's office.

#### **XVI. REVIEW OF POLICY**

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
 Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)  
 Minn. Stat. § 120B.232 (Character Development Education)  
 Minn. Stat. § 121A.26 (School Preassessment Teams)  
 Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
 Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
 Minn. Stat. § 121A.582 (Reasonable Force)  
 Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)  
 Minn. Stat. § 122A.42 (General Control of Schools)  
 Minn. Stat. § 123A.05 (Area Learning Center Organization)  
 Minn. Stat. § 124D.03 (Enrollment Options Program)

Minn. Stat. § 124D.08 (Enrollment in Nonresident District)  
 Minn. Stat. Ch.125A (Students With Disabilities)  
 Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
 Minn. Stat. § 152.23 (Medical Cannabis; Limitations)

Minn. Stat. Ch. 260A (Truancy)  
 Minn. Stat. Ch. 260C (Juvenile Court Act)  
 20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)  
 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
 34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

***Cross References:*** [Burnsville-Eagan-Savage School District Policy 105 \(Equity, Access & Excellence in Education\)](#)  
 Burnsville-Eagan-Savage School District Policy 413 (Harassment and Violence)  
 Burnsville-Eagan-Savage School District Policy 417 (Chemical Use and Abuse)  
 Burnsville-Eagan-Savage School District Policy 419 (Tobacco Free Environment)  
 Burnsville-Eagan-Savage School District Policy 501 (School Weapons)  
 Burnsville-Eagan-Savage School District Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
 Burnsville-Eagan-Savage School District Policy 503 (Student Attendance)  
 Burnsville-Eagan-Savage School District Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
 Burnsville-Eagan-Savage School District Policy 514 (Bullying Prohibition Policy)  
 Burnsville-Eagan-Savage School District Policy 524 (Internet Acceptable Use and Safety Policy)  
 Burnsville-Eagan-Savage School District Policy 525 (Violence Prevention)  
 Burnsville-Eagan-Savage School District Policy 526 (Hazing Prohibition)  
 Burnsville-Eagan-Savage School District Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)  
 Burnsville-Eagan-Savage School District Policy 610 (Field Trips)  
 Burnsville-Eagan-Savage School District Policy 709 (Student Transportation Safety Policy)  
 Burnsville-Eagan-Savage School District Policy 711 (Video Recording on School Buses)  
 Burnsville-Eagan-Savage School District Policy 712 (Video Surveillance Other Than on Buses)



**Agenda IV.B.4.  
October 14, 2021**

**To:** Board of Education  
**From:** Dr. Theresa Battle, superintendent  
**Date:** October 7, 2021  
**Re:** Changes to Policy 208: *Development, Adoption, and Implementation of Policies*

**Recommendation:** Approve, on a first reading basis, changes to Policy 208: *Development, Adoption, and Implementation of Policies*.

The policies were reviewed by the Policy Review Committee on September 20. The changes were made based on recommendations from administration and the Policy Review Committee.

Adopted: 11/2003

Burnsville-Eagan-Savage School District Policy 208

Reviewed: ~~3/12/2020~~ 10/14/2021

Revised: 3/19/2020

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, ~~effieient~~equitable, 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. Policies must comply and not conflict with other policies and or state and federal statute.

### **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 school board meetings.
- 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 after the meeting 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.
- E. All proposals shall be distributed and public comment will be allowed at a listening session prior to final board actions.

## V. IMPLEMENTATION OF POLICY

- A. The superintendent or designee 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. The student handbook 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: <https://www.isd191.org/discover/board-of-education/policies>  
<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~~ ~~634: Electronic Technologies Acceptable Use Policy~~; 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 105 \(Equity, Access, and Excellence in Education\)](#)  
Burnsville-Eagan-Savage School District Policy 305 (Policy Implementation)