



Future Ready. Community Strong.

Regular Meeting Agenda

Diamondhead Education Center
200 W. Burnsville Pkway
Burnsville, MN 55337
February 10, 2022
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 Listening Session with Directors Scott Hume and Sue Said

I. Call to Order

- A. Welcome
- B. Pledge of Allegiance

II. Approval of Agenda

III. Information

- A. Report about American Indian Education Programming 3
Speaker(s): Rebecca Mousseau, Indigenous Cultural Liaison, and Kelly Sundquist, American Indian Parent Advisory Chair
- B. Report about FY23 Preliminary Budget 23
Speaker(s): Dr. Theresa Battle, Superintendent, Lisa Rider, Executive Director of Business Service, Imina Oftedahl, Director of Curriculum, Instruction and Assessment, and Stacey Sovine, Executive Director of Human Resources
- C. 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 41
Speaker(s): Dr. Theresa Battle, Superintendent
- D. Student Representative Report 51
- E. Superintendent Report
- F. Board Member Reports

IV. Business Meeting	2
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.	
1. Approve Minutes	54
2. Approve Personnel Recommendations	58
3. Adopt a Resolution to Accept Donations	60
4. Receive a Report about the Listening Session	62
5. Approve, on a Second Reading Basis, Policy 599: <i>Memorials for Deceased Students of Staff (Correct Version)</i>	63
6. Approve Agreement - Unexecuted	
7. Approve, on a Second Reading Basis, Non-Substantive Changes to Policy 512: <i>School-Sponsored Student Publications and Activities</i>	67
8. Approve, on a Second Reading Basis, Changes to Policies 102: <i>Equal Educational Opportunity</i> , 406: <i>Public and Private Personnel Data</i> , and 515: <i>Protection and Privacy of Pupil Records</i>	72
9. Approve, on a Second Reading Basis, Changes to Policies 501: <i>School Weapons Policy</i> , and 503: <i>Student Attendance</i>	118
B. New Business	133
1. Accept the American Indian Parent Advisory Group Vote of Concurrence	139
Speaker(s): Imina Oftedahl, Director of Curriculum, Instruction and Assessment	
2. Approve the Purchase of Networking Equipment APs (Access Points)	144
Speaker(s): Rachel Gorton, Director of Technology	
V. Adjourn to a Workshop	
A. FY23 Preliminary Budget Discussion	145
Speaker(s): Dr. Theresa Battle, Superintendent, Lisa Rider, Executive Director of Business Services, Imina Oftedahl, Director of Curriculum, Instruction and Assessment, and Stacey Sovine, Executive Director of Human Resources	
B. Discuss the 2022 Legislative Platform	163
Speaker(s): Scott Hume, Vice Chair	



Future Ready. Community Strong.

**Agenda III.A.
February 10, 2022**

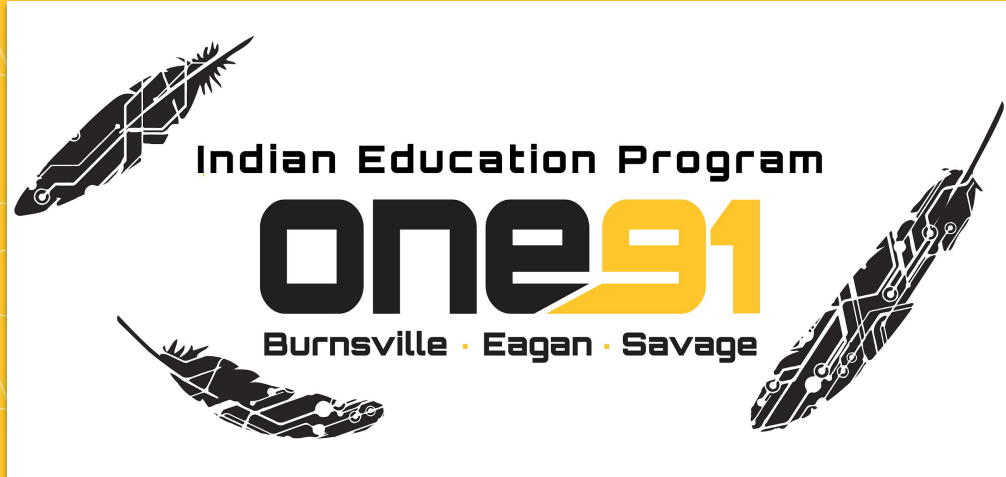
To: Board of Education
Dr. Theresa Battle, superintendent

From: Rebecca Mousseau, Indigenous Cultural Liaison, and Kelly Sundquist, American Indian Parent Advisory Chair

Date: February 3, 2022

Re: Report about American Indian Education Programming

Receive a report about American Indian Education Programming from Rebecca Mousseau, Indigenous Cultural Liaison, and Kelly Sundquist, American Indian Parent Advisory Chair.



191 American Indian⁴ Education Program

Rebecca Mousseau
Indigenous Cultural Liaison

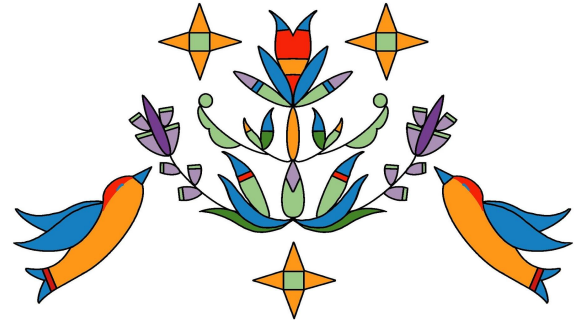
Kelly Sundquist
American Indian Parent Advisory Chair

February 10, 2022

The logo is centered on a light gray rectangular background. It features the 'one91' logo, where 'one' is in black and '91' is in yellow. Below it, the text 'Burnsville · Eagan · Savage' is centered in black.

Land Acknowledgement

We are gathered here on the unceded land of the Dakota and Ojibwe peoples. I ask you to join me in acknowledging those Indigenous communities, their elders both past and present, and the future generations. This institution also acknowledges that it was founded upon exclusions and erasures of many Indigenous peoples including those on whose land this institution is located. This active acknowledgement demonstrates a commitment to beginning a process of working to dismantle the ongoing legacies of settler colonialism.



Overview

- Program Overview
- Student Programs
- Family Engagement and Events
- Collaboration Across Districts



Purpose and Goals

7

1. **Academic achievement** of Indigenous students (American Indian, Alaska Native)
2. **Post-secondary preparation** for Indigenous students
3. **Relevant curriculum** to the needs, interests, and cultural heritage of Indigenous students
4. **Positive reinforcement of self-image** of Indigenous students
5. **Intercultural awareness** among students, parents, and staff
6. **Supplement** educational and co-curricular programs

Native/Indigenous Students

- Current Student Counts:
- ◆ Burnsville Alternative High School - 7
 - ◆ Burnsville High School - 30
 - ◆ Eagle Ridge Middle School - 11
 - ◆ Nicollet Middle School- 16
 - ◆ Elementary - 63
 - ◆ Virtual Academy - 8
 - ◆ Early Childhood Education - 6
 - ◆ Transition Program/Best Services - 2

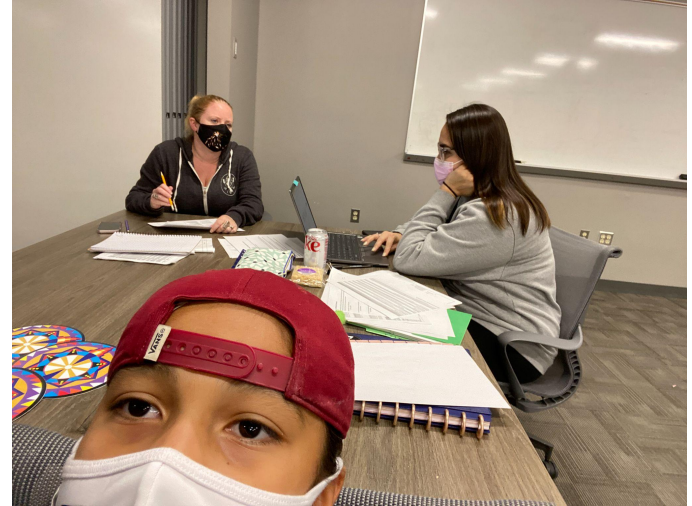


Role of Parent Advisory Committee

9

The American Indian Parent Advisory Committee (AIPAC)

- **Critical** to the achievement and success of American Indian students
- **Composed** of parents of children eligible to be enrolled in American Indian education programs
- **Serves** in an advisory role and help ensure that American Indian students are receiving culturally relevant and equitable educational opportunities
- **Offers** a valuable opportunity to strengthen community partnerships



Activities & Outreach 2021-2022

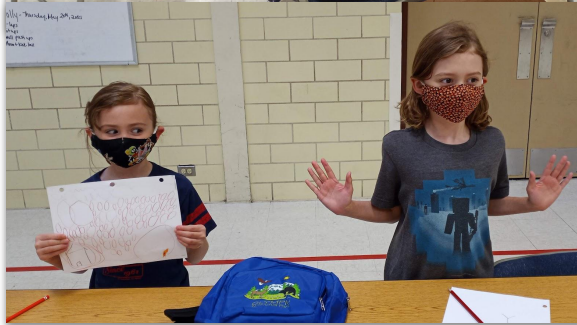
10

- Family Night (May 2021)
- Graduate Honoring (Jun 2021)
- School Supplies (Sept 2021)
- South of the River Committee
- Drum & Dance
- Native Student Leadership Group(s)
- Indigenous People's Day (Oct 2021)
- Native American Heritage Month (Nov 2021)
- South of the River Powwow (May 2022)



Family Night May 2021

11



Partnered with Lakeville's Indian Education Program, Virginia Vogel - Potawatomi

Drumming-Singing-Dancing Teaching - FUN - with Anthony "Tony" Frank - Turtle Mountain Ojibwe

Food catered by Powwow Grounds Cafe, Minneapolis

Toys/books/school supplies/powwow t-shirts giveaway

Graduate Honoring June 2021

12

Partnered with Lakeville's Indian Education Program.

13 Native Seniors in 2021 from Burnsville

Food catered by Trickster Tacos (food truck)



Native Graduates 2021

13



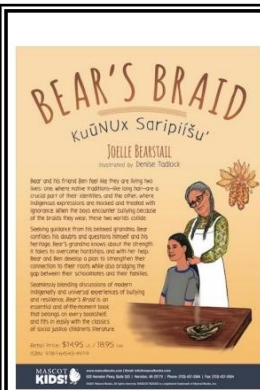
Graduates received a pendleton stole, a blanket; and an eagle feather.

November 2021

JACKIE BIRD & FAMILY

Author Book Reading & Dance Presentation

ALL Program sponsored events are FREE to students & their families, unless otherwise stated on flyers.



Bear's Braid
Kuunux Saripišu
JOELLE BEARSTALL
Illustrated by JENNIFER TOSCHAK

Bear and his friend Ben hear the they are being fed back into where culture tradition—the way they— is crucial part of their identity, and the other where indigenous expressions and values are treated with ignorance when the boys encounter a young girl at the beach. They meet. Their two worlds collide.

Somehow getting from the island to the mainland, Bear carries his doubts and questions home and his heritage back to his people. He learns about the strength it takes to overcome hardships, and with her help Bear and Ben decide to work to strengthen their connection to their roots while also bridging the gap between their cultures and their friends.

Generously leading discussions of modern indigenous and cultural experiences of history and resistance, *Bear's Braid* is an important and affirming book that belongs in every classroom and library to study with the voices of our young children here.

Hardcover: \$14.95 / \$9.95
ISBN: 9781609880000


MASCOT KIDS! Member of the National Endowment for the Arts

Bear's Braid is an important and affirming book that belongs in every classroom and library to study with the voices of our young children here.

Bear's Braid Author Event
Diamondhead Education Center
Burnsville, MN

In Celebration of Native American Heritage Month

Tuesday, November 30th
Student & Family Night



Author Joelle Bearstall ~ Mandan, Hidatsa & Arikara



22 NOV

JACKIE BIRD AND FAMILY PERFORMANCE

IN CELEBRATION OF NATIVE AMERICAN HERITAGE MONTH

@ 7:00PM

MRAZ PERFORMANCE CENTER
@ BURNSVILLE HIGH SCHOOL

FREE & OPEN TO 191 COMMUNITY

Indian Education Program

one91
Burnsville Eagan Savage

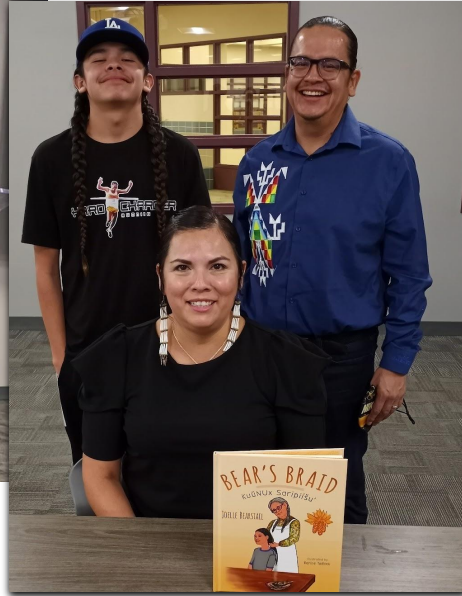
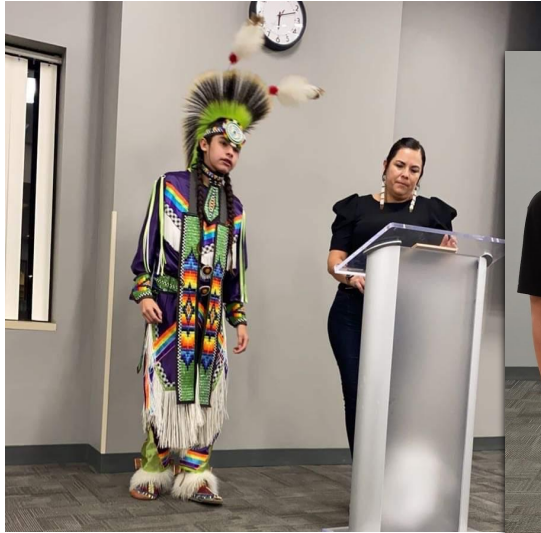
Masks are required. COVID-19 social distance protocols required.

Jackie Bird Presentation

15



Author: Joelle Bearstail



South of the River Committee

Collaboration on Drum & Dance Classes

Collaboration on Powwow Planning

- District 191: Burnsville, Eagan, Savage
- District 196: Rosemount, Apple Valley, Eagan
- District 197: West St. Paul, Mendota Heights, Eagan Area Schools
- Farmington Area Schools
- Hastings Public Schools
- Lakeville Area Schools
- Prior Lake-Savage Area Schools
- Richfield Public Schools





2022 South of the River Drum & Dance Class

Each school year, District 196's American Indian Education Program partners with our South of the River neighboring districts to bring a unique educational experience for all ages. Join us twice a month to learn traditional American Indian powwow songs and dance. You will learn about the different dance styles, their stories and the steps. Teachers will demonstrate and help with the students. Teachers will demonstrate and help with the students. Our young boys and men will be taught drum songs and protocols while at the drum. We will continue to meet twice a month throughout the school year - leading up to our **SOUTH OF THE RIVER POWWOW** on Saturday May 21, 2022 at Burnsville High School - mark your calendars.

Please register to participate with your American Indian Education Staff in your district.

Locations

Burnsville Diamondhead Education Center (DEC)
 "Eagan Room" 200 Burnsville Pkwy; Burnsville, MN 553377
 [Enter through Door #1]

Dates

Wednesdays January 12, 26
 February 9, 23*
 March 9
 April 6, 20
 May 4

Agenda

5:30 - 6pm (optional;
 boxed dinner)
 6 - 7:00pm Drum & Dance Class

* location to be determined.



2022 South of the River Drum & Dance Class

Each school year, American Indian Education Programs from Districts in South Metro area collaborate to bring a unique educational experiences for all ages.

Join us to learn traditional American Indian powwow songs and dances. You will learn about the different dance styles, their stories and the steps. Our young boys and men will be taught drum songs and protocols while at the drum.

Please register to participate in Drum & Dance classes with your American Indian Education Staff in your district.

We will continue to meet throughout the school year - leading up to our **SOUTH OF THE RIVER POWWOW** on Saturday May 21, 2022 at Burnsville High School - mark your calendars!

DATES & LOCATIONS:

WEDNESDAYS

JANUARY 12 @ DEC
 JANUARY 26 @ BHS
 FEBRUARY 9 @ DEC
 FEBRUARY 23@ SBLC
 MARCH 9 @ TBD
 APRIL 6* TBD
 APRIL 20 @ DEC
 MAY 4 @DEC
 *location to be determined

Agenda:
 5:30 - 6:00pm
 Dinner (FREE & optional)
 6:00 - 7:00pm
 Drum & Dance Classes



OPEN TO ALL STUDENTS ELIGIBLE TO PARTICIPATE IN ANY SOUTH OF THE RIVER AMERICAN INDIAN EDUCATION PROGRAMS LISTED BELOW:

District 191: Burnsville, Eagan & Savage
 District 196: Rosemount, Apple Valley & Eagan
 District 197: West St. Paul, Mendota Heights and Eagan Area Schools
 Farmington Area Schools
 Hastings Public Schools
 Lakeville Area Schools
 Prior Lake-Savage Area Schools
 Richfield Public Schools

LOCATIONS:

DIAMONDHEAD EDUCATION CENTER (DEC)
 (ENTER @ DOOR #1)
 200 W. BURNSVILLE PKWY.
 BURNSVILLE, MN 55337
 "BURNSVILLE-EAGAN-SAVAGE" (BES) ROOMS

BURNSVILLE HIGH SCHOOL (BHS)
 (ENTER @ DOOR #19)
 600 STATE HWY 13
 BURNSVILLE, MN 55337
 E-COMMONS AREA

SILVERBELL LEARNING CENTER (SBLC)
 2120 SILVERBELL ROAD
 EAGAN, MN 55122



*Students under the age of 13 must be accompanied by a parent, guardian, or relative.
 *Face masks are required for all individuals ages 2 and up.

Open to all students eligible to participate in any South of the River American Indian Education Program listed below:

District 191: Burnsville, Eagan & Savage
 District 196: Rosemount, Apple Valley & Eagan
 District 197: West St. Paul, Mendota Heights and Eagan Area Schools
 Farmington Area Schools
 Hastings Public Schools
 Lakeville Area Schools
 Prior Lake-Savage Area Schools
 Richfield Public Schools

*Students under the age of 13 must be accompanied by a parent, guardian or relative.
 *Face masks are required for all individuals ages 2 and up.



SOTR Drum & Dance Classes



SAVE THE DATE: Saturday May 21, 2022
South of the River American Indian Education
Powwow Committee Presents:

19

5th Annual SOUTH OF THE RIVER POW WOW



**Burnsville
High School**
600 State Hwy 13
Burnsville, MN 55337

**EVENT IS FREE
AND OPEN TO THE PUBLIC**

- Grand Entry is at 1pm and 7pm
- Graduation Honoring, Royalty Contest, Lacrosse Event and much more
- Free Feast at 5:00pm



For more information,
please contact your South of
the River American Indian
Education Program



Native Student Leadership Group(s)

20

- ★ Identity
- ★ Cultural Heritage Teachings:
 - Rights of Passage/Coming of Age
 - 7 (universal) Rules
- ★ Indigenized curriculum for Health, Wellness, and Life Skills

Future Plans

21



- Student/Family Nights
 - Book Readings
 - Sewing
 - Beading
 - Storytelling with Elders
- Donations to local shelter.
- South of the River Powwow (May 2022)
- Graduate Honoring (Jun 2022)
- Indigenous Presenters surrounding Native American Heritage Month (Nov 2022)
- Rock Your Moccs (Nov 2022)
- Land Acknowledgements across the District





**Agenda III.B.
February 10, 2022**

To: Board of Education

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

Date: February 3, 2022

Re: Report about FY23 Preliminary Budget

Receive a report about FY23 Preliminary Budget from Dr. Theresa Battle, superintendent, and Lisa Rider, executive director of business services.

**Fiscal Year (FY) 23
Preliminary ²⁴
Budget
Assumptions**

**Dr. Theresa Battle, superintendent,
Lisa Rider, executive director of business
services,
Imina Oftedahl, director of curriculum,
instruction and assessment,
and
Stacey Sovine, executive director of human
resources**

February 10, 2022



- Provide the Board and Community with FY23 budget approach, processes, strategies and preliminary budget assumptions
- Review FY23 current reality after audit FY21 and revised FY22 approval (interactive model available for workshop discussion)
- Share next steps to Board action to adopt FY23 budget by June 2022

Agenda

- Guiding change and budget process for FY23
- Board of Education Values
- FY23 preliminary budget assumptions
- Strategies to structurally balance the FY23 budget
- Current reality after FY 2021 audit and revised FY 2022 budget
- Next steps

- Guiding change - FY23 budget

Guiding questions: Given ISD 191's strategic roadmap requires that the district optimizes resources for student learning. How will the budget for FY23 continue to support our mission and priorities, balance the budget and leverage every funding source available? How does the budget align with the goals of advancing equitable student outcomes and the district's strategic directions?

- FY23 Budget Goals, Process, and Timeline

Board of Education Guiding Values

28

- Creating a school system that values diversity and serves the unique needs of our students, families and staff
- Valuing the professionalism of our staff and their roles in serving our students and families
- Working within our budget to ensure programs and services are sustainable

Note: Established by board for negotiations with employee groups based on the district's mission of Each Student. Future Ready. Community Strong.

FY23 Preliminary Budget Revenue Assumptions

29

- Enrollment assumed for FY23 will be K-12 7,219 Fall and End of Year (EOY)
- Base model assumes the 2% increase on the General Education formula approved by 2021 legislative session
- Elementary and Secondary School Emergency Relief Fund (ESSER) III funds will be included and ESSER II funds are removed anticipating they will be fully spent
- Adjustments for reduction enrollment and in compensatory
- Continued assumption of about \$13 million in special education and english learner cross subsidy

FY23 Preliminary Budget Expenditure Assumptions

30

- Salary and Benefit assumptions for all contracts applied
- Transportation increase assumed (in negotiations)
- 3% increase on utilities
- Long term facility maintenance projects = \$2.5 Million
- 0% increase on supplies and materials
- ESSER III funds will replace ESSER II funds, for all additional positions considered to be continuing
- Adjustments for reduction in compensatory

FY23 Strategies to Structurally Balance the Budget

31

- Prioritize investment for instructional priorities, including PK-12 Pathways
- Rightsizing of the FTEs (Full-Time Equivalent) staff based upon enrollment
- Use of restricted funds before general undesignated funds
- Identify efficiencies in utilizing resources
- Strategic use of federal resources to equitably address the impact of the pandemic

FY23 Strategies to Structurally Balance the Budget

Prioritize Instructional Priorities

- Federal Title Funding (I,II,III,IV,VI)
- Achievement & Integration
- Curriculum Capital
- General Funds
 - Professional Development
 - Curriculum
 - Assessment



FY23 Strategies to Structurally Balance the Budget

33

Rightsizing

- Adjust instructional full-time equivalency (FTE's) to maintain Board approved class size averages (rightsizing based on enrollment).
- Adjust staff FTE's to maintain expense to revenue ratio in certain categorical funding areas such as Compensatory, Achievement and Integration, and Title (rightsizing based on categorical funds).

Rightsizing, continued.

- Staffing allocations provided to building principals based on current Board approved class size averages.
 - K-5 average : 24.5 students per class with fewer students in Kindergarten and more in 5th grade classes.
 - 6-8 average : 21 students per FTE*
 - 9-12 average : 26 students per FTE*

*secondary program class sizes vary based on course type, external class size restrictions, instructional models, and graduation requirements.

FY23 Strategies to Structurally Balance the Budget

35

- Strategic use of federal resources to equitably address the impact of the pandemic

Purpose:

Needed for relief, recovery, rebound

Health needs (physical, mental, social, emotional), connection to school (physical, digital, social-emotional) and effective learning opportunities

- Stakeholder feedback regarding priorities

FY23 Strategies to Structurally Balance the Budget

36

Use of restricted funds before general undesignated funds

Identify efficiencies in utilizing resources

Each budget manager with their supervisor are responsible for the following:

- Reviewing the budget to ensure that all expenditures for 2021-22 school year have been coded correctly
- Identify priority expenditures that must be sustained
- Identify any cost savings
- Make decisions about discretionary funds
- Submit budget adjustments and/or request for additional funding on Additional Budget Template

Cross-functional team reviews before submission to Superintendent

Current Reality FY 23-25

General Fund Budget Comparative Summary

	Final Audit Results 2020-21	6/2021 Adopted Budget 2021-22	Revised Budget 2021-22	Projected 2022-23	Projected 2023-24	Projected 2024-25
Total Beginning Fund Balance	\$ 20,326,027	\$ 21,483,321	\$ 29,521,880	\$ 29,371,899	\$ 19,305,514	\$ 730,899
Revenues	129,973,192	123,498,369	126,417,450	124,822,041	123,058,232	121,967,015
Federal Relief Revenues	4,673,195	7,187,245	9,468,267	8,070,766	8,070,784	-
Expenditures	120,777,339	132,480,192	130,875,664	134,888,426	141,632,847	147,298,161
Federal Relief Expenditures	4,673,195	3,287,245	5,160,034	8,070,766	8,070,784	-
Variance (Revenues - Expenditures)	9,195,853	(5,081,823)	(149,981)	(10,066,385)	(18,574,615)	(25,331,146)
Total Ending Fund Balance	\$ 29,521,880	\$ 16,401,498	\$ 29,371,899	\$ 19,305,514	\$ 730,899	\$ (24,600,247)
Breakdown of Fund Balance Categories						
Nonspendable	\$ 382,338	\$ 367,587	\$ 382,338	\$ 367,587	\$ 382,338	\$ 367,587
Restricted	9,020,782	5,476,553	8,261,908	4,676,553	7,461,908	3,876,553
Committed	1,849,491	1,784,069	1,538,385	398,986	398,986	398,986
Assigned	5,081,823	-	-	-	-	-
Unassigned	13,187,446	8,773,289	19,189,268	13,862,388	(7,512,333)	(29,243,373)
Total Ending Fund Balance	\$ 29,521,880	\$ 16,401,498	\$ 29,371,899	\$ 19,305,514	\$ 730,899	\$ (24,600,247)
Unassigned Fund Balance %	10.51%	6.46%	14.11%	9.70%	-5.02%	-19.85%

Interactive model for
projections will be
available in workshop

FY23 Adopted Budget Timeline

39

- February - Online survey opens, virtual meetings and presentations seeking input/feedback about budget priorities
- February 24 - Board receives report on preliminary list of budget adjustments by department in board meeting
- Gather additional feedback from parents and community after February 24 board meeting
- March - board discussion in workshop
- March 10 - Superintendent presents recommended budget adjustments by department at regular board meeting
- March 24 - Superintendent presents final recommended budget adjustments by department in board meeting
- June 9 - FY23 Adopted budget presented
- June 16 - FY23 Adopted budget approved

*Thank
you*



Future Ready. Community Strong.

**Agenda III.C.
February 10, 2022**

To: Board of Education

From: Dr. Theresa Battle, superintendent

Date: February 3, 2022

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.



COVID-19 UPDATE

**Dr. Theresa Battle, superintendent,
Bernie Bien, MS, BSN, RN, Lead Licensed
School Nurse, and
Brian Gersich, assistant superintendent**

February 10, 2022

Level of Transmission

- Case Rate per 100K
- Positivity Rate

District 191 Data

- Total cases for Staff and Students
- Case Investigations

COVID-19 Screening, Testing and Vaccination Updates

44

- Students
- Staff
- Partnerships

Athletics and Activities

- Minnesota State High School League (MSHSL) differs from ISD 191 as it pertains to adult isolation periods
 - ISD 191 follows CDC guidance, allows staff return 5 days after positive COVID test (no fever, symptoms improved)
 - MSHSL still at 10 days after positive test (impact for contests)
- Postseason Events
 - Minneapolis and St. Paul requirements for restaurants and ticketed events (vaccination or negative COVID test)
 - Does not apply to official participants specifically during competition



Thank You

Board Meeting Date: February 10, 2022

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.

Overview:

This week and last offered a glimmer of hope that the Omicron surge has peaked and is in a downward trend. Dakota County reports that they are beyond the peak. I am cautiously optimistic as hospitalizations and death rates are still concerning. As the pandemic may move to an endemic we have begun conversations with public health officials and our district COVID-19 health team and Advisory group. Dakota County advises us to not remove safety measures too soon. Topics under consideration for review are mask mandate, visitor procedures, and other school procedures.

Another sign that we are in a downward trend can be seen in the impact of the surge on our substitute fill rates. As of Friday, 2/7 sub fill rates for the week of 1/31-24 were at 76% with 98% of teachers in place and 95% of Educational assistants in place. This is an increase from a range of 45% to 50% sub fill rate the weeks immediately after winter break. We had a new building sub start Friday at Edward Neill, all buildings are back to being staffed with at least one sub and Hidden Valley, Nicollet and BHS are all staffed with two. Building subs accounted for 1/3 of overall coverage this week! We are still working on finding a second sub for the other buildings.

Now I'll turn it over to Bernie Bien for health data and information and Brian Gersich for an update about Activities and Athletics. **Updates:** Local Data (MN, Dakota/Scott County and 191)

Data:

Our state and community continues to be in a high level of transmission for COVID-19 however recent data and the trajectory are promising.

MN:

The positivity rate in MN for week 4 which (was 1/23-1/29) dropped to 15.2% from 19.9% last week.

Both Dakota County and Scott County also have seen a drop in the positivity rate. Currently rates are 16.4% and 16.1%. Last week the numbers were 22%.

A decrease means we are going in the right direction however we do need to be mindful that the targeted positivity rate which indicates that transmission is under control is 5%.

7 day Case Rate for positive cases per 100K has also decreased.

- Last week's Dakota County case rate was 1680 and this week it is 651.72 according to the CDC. Data posted today is approximately 2 days behind. The actual number today per data from Dakota County is 552. This represents a 63% decrease.
- For Scott County the case rate last week was 1521 and this week it is 620.08

An important indicator of COVID in the community is the hospitalization and death rate. Here too we are also seeing positive trends.

- Hospitalizations in the Twin Cities have decreased and the availability of ICU beds is increasing from single beds in prior weeks to 18 adult beds and 16 pediatric beds currently.
 - Scott County had 15 admissions in the past 7 days.
 - Hospitalizations for Dakota County this week is 38 which is down from 58 last week
- As we have learned from prior surges, death rates tend to go up at the end of a surge.
 - In the past week Dakota County had 13 newly-reported deaths which has been a consistent number for the past couple of weeks.
 - Scott County has had 11 deaths in the past week.

191 positive cases and investigations

For ISD 191, cumulatively for the school year for staff - We have been informed of 315 positive cases with 205 requiring investigations and MDH reporting. Last week the cumulative total was 283 *positive cases*. This week only 6 cases among staff were reported.

For students cumulatively, we have been informed of 1365 positive cases with 762 requiring an investigation and MDH reporting.

Last week the cumulative total was 1278 positive cases.

This week only 35 cases among students have been reported.

In the past couple of weeks we have seen a rapid decrease in cases which is a similar pattern in MN. CDC forecasting programs indicate that we could see case numbers similar to summer rates by mid-March. This is good news and gives us energy to move forward while being mindful that we currently are still in a high community transmission.

Screening, Testing and Vaccinations

Testing and vaccination continue to be important mitigation strategies.

Staff

Staff screening continues on a biweekly schedule. I would like to take a moment to thank the site coordinators for making this program available to staff in each building.

At home testing kits for students and staff

We currently have ordered additional kits for students and staff; however, we have been informed that they are on backorder. Each school has a supply of testing kits for distribution to families and staff as needed. A big thank you goes to Operations especially Mark Glende, head custodian at DEC for getting these kits to buildings.

Today, Operations picked up our order of KN95 provided by MDE. Distribution of these masks is being finalized.

Vaccinations

Next week, the FDA and ACIP (Advisory Committee on Immunization Practices) will be meeting to discuss providing an EUA for the Pfizer vaccine for children under 5 years of age.

- This vaccine will be a 3 dose series with a different formulation than the covid vaccine for older children.
- The anticipated arrival of this vaccine is February 22nd.

We are actively exploring partnerships to provide a vaccination clinic in our community for all ages with a focus on under five. More information will be provided as details are finalized.

Thank you and that concludes my report.

Health and Safety Update (MDH):

We were able to order additional Binax kits through MDE. We were only allowed to order kits at 50% of our total 2020 fall enrollment for the second round of orders. We have included our 339 kits for early learning students in this round.

The total came to 4326 additional kits for STUDENTS only. Staff could not be included in this round.

Athletics and Activities:

Coaches 5 day/ 10 day isolation period:

A few weeks ago, ISD 191 adopted the adjusted isolation time period for our adults to align with changes made by the CDC. Practically speaking, this means that a staff member can return to work after isolating from having COVID for 5 days instead of 10 days, provided they are fever free for 24 hours and have improved symptoms.

That said, the MSHSL has not adopted this. The practical impact is that a coach or advisor for us who tested positive, could return to practice and rehearsals after 5 days like our other employees. However, they would not be able to coach or advise on a MSHSL contest which creates a very narrow but possible impact for our coaches and programs.

Postseason Events:

As people are likely aware, the cities of Minneapolis and St. Paul have new requirements in place for those going to restaurants as well as ticketed events. It requires those who attend to have proof of vaccination or a negative COVID test in the past three days.

Many post season contests including state tournaments are held in the cities of Minneapolis and St. Paul, so this could have an impact on our teams and spectators. We have been informed that the rule will not apply to participants in the event (so the official squad), but it does apply to all others including spectators, school supervisors, bands, and student-athletes when not competing in the event itself. Our team has been working to inform our participants and will keep monitoring the league communication for possible updates.



**Agenda III.D.
February 10, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Zoe Olson, student representative to the school board

Date: February 10, 2022

Re: Student Representative Report

Receive a report from Zoe Olson, student representative.



**Agenda III.E.
February 10, 2022**

To: Board of Education
From: Dr. Theresa Battle, superintendent
Date: February 3, 2022
Re: Superintendent Report

Receive a report from Dr. Theresa Battle, superintendent.



**Agenda III.F.
February 10, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Lesley Chester, board chair

Date: February 3, 2022

Re: Board Member Reports

Receive reports from board members.

School Board Minutes
 INDEPENDENT SCHOOL DISTRICT 191
 January 27, 2022

The regular meeting of the Board of Education was called to order by Chair Chester 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, Miller, Said, and Werb were present. Dr. Battle, superintendent was absent. Brian Gersich, assistant superintendent, Student Representative Aaden Spencer, administrators, and staff were also present. Attendance

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

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

Received a report from the Student Performance and Achievement Committee about the World's Best Workforce Kindergarten Readiness. Student Performance and Achievement Reports

Received a report from Lesley Chester, chair about Guidelines for Sharing Board Meetings.

Received an update about District 191's Efforts to Implement COVID-19 Related Educational and Public Health Guidance issued by the MDE and MDH from Bernie Bien, MS, BSN, RN, Lead Licensed School Nurse, and Dana Thompson, Ed.S, NCSP, Supervisor.

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

Moved by Alt, seconded by Conner, to approve the consent agenda. Consent Agenda
 -Approve minutes of the January 13, 2022, regular board meeting. Minutes
 -Personnel recommendations for Kristina Pope, Olivia Sowieja, Steven Personnel

Pitts, Zoe Pelletier, Jordan Taylor, Vicki Spieler, Alexandra Bain, Jennifer Smith, Erin Hauer, Jane Amundson, Pam Schilling, Susan Hovland, Bonnie Hansen, Cassidy Solomon, Rebecca Koch, Safiyo Jama, Solomon Nielsen, Susan Stachowski, Zoe Lewis, Laura Kruger, Yurub Mohamed, Anna Resele, Olivia Sowieja, and Brigid McCarthy.

-Adopt a resolution to approve and accept donations as presented. Donations
 -Approves November payroll checks in the net amount of \$3,907,770.15. Checks, claims, receipts and investments
 November claims to date, wire transfers and adjustments totaling \$7,681,366.21. Also, that the Board accepts November receipts of \$9,400,689.70 and investments for the General Fund, 2015A School

<p>Building Bonds, and OPEB of \$68,745,312.87 as of November 31, 2021.</p> <p>-Accept the Budget Analysis for the month ending.</p> <p>-Receive a report about the Listening Session on January 13, 2022.</p> <p>-Approve, on a second reading basis, non-substantive changes to Policies 105: <i>Equity, Access and Excellence in Education</i>, 520: <i>Student Surveys</i>, 521: <i>Student Disability Nondiscrimination</i>, 602.5: <i>School Cancellation</i>, 605: <i>Alternative Programs</i>, 609: <i>Religion</i>, and 624: <i>Online Learning</i>.</p> <p>-Approve, on a second reading basis, changes to Policy 906: <i>Community Notification of Predatory Offenders</i>.</p> <p>-Approve, on a first reading basis, non-substantive changes to Policy 512: <i>School-Sponsored Student Publications and Activities</i>.</p> <p>-Approve the committee assignments, board appointments, and school assignments for 2022. The motion carried unanimously (7, 0).</p>	<p>Budget Analysis Listening Session Policies</p>
<p>Moved by Hume, seconded by Werb, to approve a cooperative sponsorship in Badminton with Prior Lake beginning in the spring of 2022. The motion carried unanimously after discussion (7, 0).</p>	<p>Badminton</p>
<p>Moved by Miller, seconded by Werb, to approve the 2021-22 Revised Budget providing all funds' revenues of \$195,655,474 and all funds' expenditures of \$195,682,512. The motion carried unanimously after discussion (7, 0).</p>	<p>2021-22 Budget Revisions</p>
<p>Moved by Hume, seconded by Alt, to approve the addenda to the Pupil Transportation Services Agreement with Schmitty and Sons and CSTMN for the months of November 2021 through June 9, 2022. The motion carried unanimously (7, 0).</p>	<p>New Policy 534</p>
<p>Moved by Werb, seconded by Miller, to approve, on a second reading basis, New Policy 534: <i>School Meal Policy</i>. The motion carried unanimously (7, 0).</p>	<p>Policies 102, 406 and 515</p>
<p>Moved by Conner, seconded by Said, to approve, on a first reading basis, changes to Policies 102: <i>Equal Educational Opportunity</i>, 406: <i>Public and Private Personnel Data</i>, and 515: <i>Protection and Privacy of Pupil Records</i>. The motion carried unanimously (7, 0).</p>	<p>Policies 501 and 503</p>
<p>Moved by Werb, seconded by Conner, to approve, on a first reading basis, changes to Policies 501: <i>School Weapons Policy</i>, and 503: <i>Student Attendance</i>. The motion carried unanimously (7, 0).</p>	<p>Burnsville Fire Muster</p>
<p>Moved by Hume, seconded by Said, to approve appointing a Board Member as a representative to the Burnsville Fire Muster and Community Celebration. The motion carried unanimously after discussion (7, 0).</p>	<p>Adjourn to a workshop</p>
<p>Moved by Hume, seconded by Miller, to adjourn to a workshop about the FY23 Budget followed by a Closed Session as permitted by Minn. Stat. 13D.03, for Labor Negotiation Strategy. The motion carried unanimously</p>	

after discussion (7, 0).

Abigail Alt, clerk

February 10, 2022

Date approved

DRAFT

School Board Minutes
INDEPENDENT SCHOOL DISTRICT 191
January 27, 2022

The closed session of the Board of Education was called to order by Chair Chester at 8:55 p.m. The meeting was held at Diamondhead Education Center, 200 West Burnsville Parkway, Burnsville, MN, 55337.

Call to Order

Directors Werb, Miller, Said, Alt, Conner, Hume, and Chair Chester were present. Dr. Battle, superintendent was absent. Others in attendance were Brian Gersich, assistant superintendent, Lisa Rider, executive director of business services, and Stacey Sovine, executive director of human resources.

Attendance

The meeting was closed, as permitted by Minnesota Statutes 13D.03, to discuss ISD 191’s labor negotiation strategies.

Purpose

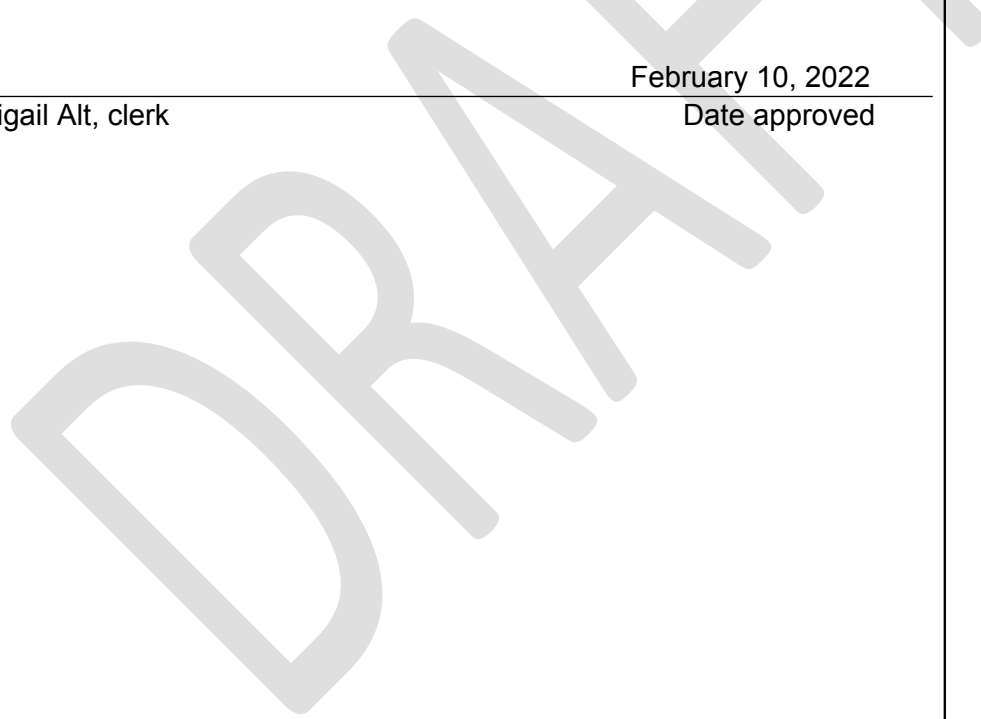
The meeting adjourned at 9:21 p.m.

Adjourn

February 10, 2022

Abigail Alt, clerk

Date approved



February 10th, 2022- Final

**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: February 10th, 2022 Final

RE: Recommended Personnel Changes

CLASSIFICATION	ACTION	POSITION CONTROL	NAME	FINAL	LOCATION	POSITION	EFFECTIVE DATE
Certified	Appointment		Meg Pawley		Burnsville High School	Teacher	2/3/2022
Certified	Appointment		Olivia Brammer		Burnsville High School	Teacher	2/3/2022
Certified	Appointment		Ryanne Mikunda		Harriet Bishop Elementary	Teacher	1/28/2022
Certified	Change of Assignment		Sandra Holman		Nicollet Middle School	Teacher	1/25/2022
Certified	Resignation		Debra Brandon		St. John's	Teacher	6/10/2022
Certified	Resignation		Sarah Zeigler			0 Teacher	6/10/2022
Certified	Retirement		Carolyn Workman		Burnsville High School	Teacher	6/10/2022
Certified	Retirement		Julie Daly		Edward Neill Elementary	Teacher	6/10/2022
Certified	Retirement		Tami Barth		ECSE Center	Teacher	6/10/2022
Certified	Retirement		Teresa Dennis		Vista View Elementary School	Teacher	6/10/2022
Certified	Retirement		Thomas Robison		Gideon Pond Elementary	Teacher	6/10/2022
Certified	Retirement		Wayne Scholl		Nicollet Middle School	Teacher	6/13/2022
Classified	Appointment		Bjorn Anderson		Edward Neill Elementary	Science Fair Leader	2021-2022 School Year
Classified	Appointment		Emily Cherne		Nicollet Middle School	ESL Educational Assistant	2/3/2022
Classified	Appointment		Gary Bridges		WM. Byrne Elementary School	Educational Assistant Level IV	2/2/2022
Classified	Appointment		Julissa Garcia		Burnsville High School	Clerical Level III	2/14/2022
Classified	Resignation		Meg Pawley		Burnsville High School	Educational Assistant	2/2/2022
Classified	Resignation		Olivia Brammer		Burnsville High School	Educational Assistant	2/2/2022
Classified	Resignation		Ryanne Mikunda		Harriet Bishop Elementary	ESL Educational Assistant	1/27/2022
Classified	Resignation		Sarah Barr		Nicollet Middle School	Special Education Educational Assistant	2/11/2022
Classified	Resignation		Vinh Huynh		Eagle Ridge Middle School	Water Safety Instructor	1/28/2022
Classified	Resignation		Wesley Drey		Diamondhead Education Center	Communications Coordinator	2/18/2022



**Agenda IV.A.3.
February 10, 2022**

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

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

Date: February 3, 2022

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 February 10, 2022.

Clerk – Board of Education

Date	Donor	Recipient	Terms	Donation
1/17/2022	Anonymous	Food & Nutrition Services	Cash (monetary)	\$50.00
1/19/2022	Isela Acosta	Food & Nutrition Services	Cash (monetary)	\$11.90
1/27/2022	3 Anonymous former student families	Food & Nutrition Services	Cash (monetary)	\$13.70
1/27/2022	Lensa Usse	Food & Nutrition Services	Cash (monetary)	\$9.50
1/27/2022	Burnsville Touchdown Club	Burnsville High School	Cash (monetary)	\$7,200
1/27/2022	BHS Women's Soccer Booster Club	Burnsville High School	Cash (monetary)	\$4,800
1/27/2022	Burnsville Alpine Ski Booster Club	Burnsville High School	Cash (monetary)	\$3,000
1/31/2022	Anonymous	Food & Nutrition Services	Cash (monetary)	\$19.40

Total monetary donation received: \$15,104.50.



**Agenda IV.A.4.
February 10, 2022**

To: Board of Education

From: Dr. Theresa Battle, superintendent

Date: February 3, 2022

Re: Receive a Report about the Listening Session

Recommendation: Receive a report about the Listening Session on January 27, 2022.

January 27, 2022 Listening Session

- No one spoke at the listening session.



**Agenda IV.A.5.
February 10, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Brian Gersich, Assistant Superintendent

Date: February 3, 2022

Re: Policy 599

Recommendation: Approve, on a second reading basis, the correct version of new Policy 599: *Memorials for Deceased Students or Staff*.

Policy 599 was reviewed by the Policy Review Committee on May 12 and June 9, 2020. The first reading of new Policy 599 was approved by the Board on June 18, 2020. On August 13, 2020, the Board approved the second reading of Policy 599; however, the wrong version of the policy was loaded into the packet due to a clerical error. This second reading is to fix the clerical error.

Adopted: 2/10/2022
Reviewed: 6/18/2020
Revised:
Rescinds:

Burnsville-Eagan-Savage School District Policy 599

599 MEMORIALS FOR DECEASED STUDENTS OR STAFF

I. PURPOSE

It is recognized that the loss of a member of the school community is deeply felt by students, staff, and families. The purpose of this policy is to ensure that the Burnsville-Eagan-Savage Schools will support staff, students and families impacted by death by assisting them with connections to appropriate school and community resources. Because it is recognized that memorial decisions made immediately in the aftermath of a crisis or death may be made without full consideration of the potential implications for students, staff, families and the community, the Burnsville-Eagan-Savage Area Schools will provide a process for memorial decision-making.

II. DEFINITIONS

- A. Memorials: Objects, activities, or donations to remember an event or deceased person(s).
- B. Building Crisis Response Team: A designated group of staff members within each school building who plan and implement supports specific to the crisis event.
- C. Crisis: Any natural disaster or unexpected event that is perceived as extremely negative, generates feelings of helplessness, powerlessness, and/or entrapment and may occur suddenly, unexpectedly, and without warning
- D. Impact: The magnitude of the potential loss or seriousness of the crisis.
- E. District Crisis Response Team: A designated group of staff members who develop and execute district-wide procedures specific to the crisis event.

III. GENERAL STATEMENT OF POLICY

- A. Memorial activities expressed at school need to be coordinated and approved through the Building Crisis Response Team. The Building Crisis Response Team will assist families and students in selecting memorial activities that are appropriate and assist students in healthy bereavement.
- B. In recognition that schools are designed primarily to support learning, school sites should not serve as the main venue for the memorializing of students or staff. Schools should focus on maintaining the regular schedule, structure, and routine.

- C. Temporary school memorials, as approved by school administration and the Director of Operations/Transportation, may be displayed for one week or until the day of the funeral, whichever is sooner and will then be offered to the family. Selling of memorabilia items on school grounds is prohibited. Allowable temporary memorials are banners and pictures displayed in a common area that students can avoid such as the media center. Memorials that may spontaneously arise on lockers and desks should be transferred to the designated area. Memorial symbols displayed by individual students or staff on school grounds will be limited to one week after death, or to the day after the funeral, whichever is sooner and will then be offered to the family.
- D. Permanent memorials for deceased students and staff will be limited to endowments, scholarships, and books or items with educational significance. Scholarship and endowment memorials may be established one time, or in the form of a perpetual award, with a description of the purpose of the endowment or scholarship. Existing memorials established prior to the implementation of this policy will not be affected.
- E. Schools should strive to treat all deaths in the same way. Having a different approach for death by suicide reinforces prejudice associated with suicide and may be deeply painful to the deceased's family and friends. However, memorials following suicide are particularly important to monitor. Schools can play an important role in channeling the energy and passion of the students (and greater community) in a positive direction, balancing the community's need to grieve with the impact that the proposed activity will likely have on students, particularly on those who might be vulnerable to suicide contagion.
- F. Whenever possible, schools should communicate with the student's friends and coordinate memorialization with the family in the interest of identifying a meaningful, safe approach to acknowledging the loss. Make sure to be sensitive to the cultural needs of the deceased and family.
- G. School district facilities will not be used for memorial services or funerals. However, the superintendent, in consultation with the District Crisis Response Team, has the discretion to consider school-wide memorial activities when a crisis event has a significant impact on a majority of students, staff, and community.
- H. Other possible memorial activities include:
1. Yearbooks: A student or staff member who has died may be acknowledged the year the death occurred. Information shall be limited to the student's name, photo, dates of birth and death, and school activities in which the student participated.
 2. Commemorative Events: A commemorative event may be established and held in the name of the deceased student or staff member. Activities cannot be held

during the school day and should be sponsored by a class, club, or activity in which the deceased student or staff member participated. Advertisement of events must occur outside the school day. It is recommended that commemorative events utilize community partners (e.g., employers of the deceased, faith communities, etc.)

3. Graduation Recognition: One symbol representing all deceased members of a graduating class, such as a plant or bouquet of flowers, may be present on stage. A member of the school administration can also direct the audience in a moment of silence to collectively recognize deceased members of the graduating class.
4. Moment of Silence Recognition: a ‘moment of silence’ may be used following the death of a student or staff member to honor their memory. School-wide moments of silence should occur within 2 school days following notification of the death. Moments of silence are also approved for use at ISD191 Board of Education meetings, co-curricular events in which the deceased participated, and community-based events.

Legal References:

Cross References: Burnsville-Eagan-Savage School District Policy 706 (Acceptance of Gifts)
 Burnsville-Eagan-Savage School District Policy 801 (Equal Access to School Facilities)
 Burnsville-Eagan-Savage School District Policy 806 (Emergency Operations)
 Burnsville-Eagan-Savage School District Policy 899 (Naming School Buildings or Facilities)



Future Ready. Community Strong.

**Agenda IV.A.7.
February 10, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Brian Gersich, assistant superintendent

Date: February 2, 2022

Re: Policy 512: *School-Sponsored Student Publications and Activities.*

Recommendation: Approve, on a second reading basis, non-substantive changes to Policy 512: *School-Sponsored Student Publications and Activities.*

Policy 512 was reviewed by the Policy Review Committee on November 15, 2021, and January 18, 2022. The changes were recommended by the Policy Review Committee. The first reading was approved by the Board on January 27, 2022.

Adopted: 9/24/2015
Reviewed: 1/27/2022
Revised 2/10/2022
Rescinds:

Burnsville-Eagan-Savage School District Policy 512

512 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

I. PURPOSE

The purpose of this policy is to protect students' rights to free speech in production of official school publications and activities while at the same time balancing the school district's role in supervising student publications and the operation of public schools.

II. GENERAL STATEMENT OF POLICY

- A. The school district may exercise editorial control over the style and content of student expression in school-sponsored publications and activities.
- B. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school district policy. Faculty advisors shall supervise student writers to ensure compliance with the law and school district policies.
- C. Students who believe their right to free expression has been unreasonably restricted in an official student publication or activity may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.
 - 1. Students producing official school publications and activities shall be under the supervision of a faculty advisor and the school principal. Official publications and activities shall be subject to the guidelines set forth below.
 - 2. Official school publications may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of material by electronic means and/or means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing materials in internal staff or student mailboxes.
- B. "Official school publications" means school newspapers, yearbooks, or material produced in communications, journalism, or other writing classes as a part of the curriculum.

- C. “Obscene to minors” means:
1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. “Minor” means any person under the age of eighteen (18).
- E. “Material and substantial disruption” of a normal school activity means:
1. Where the normal school activity is an educational program of the school district for which student attendance is compulsory, “material and substantial disruption” is defined as any disruption which interferes with or impedes the implementation of that program.
 2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) “material and substantial disruption” is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.
- In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- F. “School activities” means any activity of students sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.
- G. “Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

- A. Expression in an official school publication or school-sponsored activity is prohibited when the material:
1. is obscene to minors;
 2. is libelous or slanderous;
 3. advertises or promotes any product or service not permitted for minors by law;
 4. encourages students to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
 5. expresses or advocates sexual, gender identity or expression, racial, or religious harassment or violence or prejudice;
 6. is distributed or displayed in violation of time, place, and manner regulations.
- B. Expression in an official school publication or school-sponsored activity is subject to editorial control by the school district over the style and content so long as the school district's actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, the following:
1. assuring that participants learn whatever lessons the activity is designed to teach;
 2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
 3. assuring that the views of the individual speaker are not erroneously attributed to the school;
 4. assuring that the school is not associated with any position other than neutrality on matters of political controversy;
 5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;
 6. assuring that the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.
- C. Time, Place, and Manner of Distribution

Students shall be permitted to distribute written materials at school as follows:

1. Time

Distribution shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed and/or by electronic means approved by district administration.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entry ways, and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

3. Manner

No one shall induce or coerce a student or staff member to accept a student publication.

Legal References:

U. S. Const., amend. I

Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

Bystrom v. Fridley High School, I.S.D. No. 14, 822 F. 2d 747 (8th Cir. 1987)

Morse v. Frederick, 551 U.S. 393, 127 S.Ct. 2618, 168 L.Ed.2d 290 (2007)

Cross References:

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 506 (Student Discipline)

Burnsville-Eagan-Savage School District Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)



Future Ready. Community Strong.

**Agenda IV.A.8.
February 10, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Stacey Sovine, executive director of human resources

Date: February 3, 2022

Re: Policies 102: *Equal Educational Opportunity*,
406: *Public and Private Personnel Data*, and
515: *Protection and Privacy of Pupil Records*

Recommendation: that the Board of Education approves, on a second reading basis, changes to Policies 102: *Equal Educational Opportunity*, 406: *Public and Private Personnel Data*, and 515: *Protection and Privacy of Pupil Records*

These policies were reviewed by the Policy Review Committee on January 18, 2022. The changes were recommended by MSBA. The first reading was approved by the Board on January 27, 2022.

Summary of changes:

- 102 – Adds contact information as directed by MDE
- 406 – Updates definitions; clarifies information about applicants; re-aligns some provisions
- 515 - Revises provisions to align better with FERPA; adds language to police liaison provisions; addresses obligations related to records of students with a disability; modifies other language

Adopted: 10/1999
Reviewed: 1/27/2022
Revised: 2/10/2022
Rescinds: AC

Burnsville-Eagan-Savage School District Policy 102

102 EQUAL EDUCATIONAL OPPORTUNITY

I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district's policy is to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, gender identity and expression, or age. The school district also makes reasonable accommodations for students with disabilities.
- B. The school district prohibits the harassment and discrimination of any individual based on any of the protected classifications listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (Policy 413).
- C. The school district prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the school district's corresponding procedures for addressing disability discrimination complaints, refer to the school district's policy on student disability nondiscrimination (Policy 521).
- D. The school district prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and school district's corresponding procedures and processes for addressing sexual harassment and discrimination, refer to the school district's policy on Title IX sex nondiscrimination (Policy 522).
- E. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.

- F. Every teacher, administrator, volunteer, contractor, or other employee of the school district is responsible to comply with this policy.
- G. Any student, parent or guardian having a question regarding this policy should discuss it with the Assistant Superintendent.

Legal References: Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
 20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)
 42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: Burnsville-Eagan-Savage School District Policy 105 (Equity, Access and Excellence in Education)
 Burnsville-Eagan-Savage School District Policy 413 (Harassment and Violence)
 Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)
 Burnsville-Eagan-Savage School District Policy 521 (Student Disability Nondiscrimination)
 Burnsville-Eagan-Savage School District Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)

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Rescinds: GBLA

Burnsville-Eagan-Savage School District Policy 406

406 PUBLIC AND PRIVATE PERSONNEL DATA

I. PURPOSE

The purpose of this policy is to provide guidance to Independent School District 191 employees as to the data the school district collects and maintains regarding its employees, volunteers, independent contractors, and applicants (“personnel”).

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by Independent School District 191, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.
- B. All other data on individuals is private or confidential.

III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is not public and is accessible only to the Following: the subject of the data, as limited by any applicable state or federal law; individuals within the school district whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by law to gain access to that specific data; and entities or individuals given access by the express written direction of the data subject.
- C. "Confidential" means the data are not public and are not accessible to the subject.
- D. “Parking space leasing data” means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. "Personnel data" means government data on individuals collected because they are or were employees, applicants for employment, volunteers or independent contractors for the school district Personnel data includes data submitted by an employee to the school district as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district

operations.

- F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.
- G. "Protected health information" means individually identifiable health information as defined in 45 C.F.R. § 160.103, that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium by a health care provider, in connection with a transaction covered by 45 C.F.R. Parts 160, 162 and 164. "Protected health information" excludes individually identifiable health information in education records covered by the Federal Family Educational Rights and Privacy Act, employment records held by a school district in its role as employer; and records regarding a person who has been deceased for more than fifty (50) years.
- H. "Public officials" means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals and in a charter school, individuals employed in comparable positions.

IV. PUBLIC PERSONNEL DATA

- A. The following information on current and former employees, volunteer and independent contractors of the school district is public:
 1. name;
 2. employee identification number, which may not be the employee's Social Security number;
 3. actual gross salary;
 4. salary range;
 5. terms and conditions of employment relationship;
 6. contract fees;
 7. actual gross pension;
 8. the value and nature of employer-paid fringe benefits;
 9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
 10. job title;

11. bargaining unit;
 12. job description;
 13. education and training background;
 14. previous work experience;
 15. date of first and last employment;
 16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
 17. the final disposition of any disciplinary action, as defined in Minnesota Statutes, section 13.43, subdivision. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
 18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
 19. work location;
 20. work telephone number;
 21. badge number;
 22. work-related continuing education;
 23. honors and awards received;
 24. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.
- B. The following information on current and former applicants for employment by the school district is public:
1. veteran status;

2. relevant test scores;
 3. rank on eligible list;
 4. job history;
 5. education and training; and
 6. work availability;
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the school board to be finalists for public employment.
- D. Applicants for appointment to a public body.
1. Data about applicants for appointment to a public body collected by the school district as a result of the applicant's application for employment are private data on individuals except that the following are public:
 - a. name;
 - b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
 - c. education and training;
 - d. employment history;
 - e. volunteer work;
 - f. awards and honors;
 - g. prior government service;
 - h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minnesota Statutes, section 15.0597; and
 - i. veteran status.
 2. Once an individual is appointed to a public body, the following additional items of data are public:
 - a. residential address;
 - b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;

- c. first and last dates of service on the public body;
 - d. the existence and status of any complaints or charges against an appointee; and
 - e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
3. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.
- E. Regardless of whether there has been a final disposition as defined in Minnesota Statutes, section 13.43, subdivision 2 (b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

Data relating to a complaint or charge against a public official is public only if:

- 1. the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
- 2. potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement

Data that is classified as private under another law is not made public by this provision.

V. PRIVATE PERSONNEL DATA

- A. All other personnel data not listed in Section IV are private data will not be otherwise released unless authorized by law.
- B. Data pertaining to an employee's dependents is private data on individuals.
- C. Data created, collected, or maintained by the school district to administer employee assistance programs are private.
- D. Parking space leasing data with regard to data on individuals are private.

- E. An individual's checking account number is private when submitted to a government entity.
- F. Personal data may be disseminated to labor organizations to the extent the reasonable authority determines the dissemination is necessary for the labor organization to conduct elections, notify employees of fee assessments and implement the provisions of Minnesota Statutes chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and the Bureau of Mediation Services ("BMS") to the extent the dissemination ordered or authorized by the Commissioner of the Bureau of BMS
- G. Independent School District 191 may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.
- H. Independent School District 191 may, if its responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - 1. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - 2. A pre-petition screening team conducting an investigation of the employee under Minnesota Statutes section 253.07, subdivision. 1; or
 - 3. A court, law enforcement agency or prosecuting authority.
- I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime or alleged crime committed by an employee.
- J. A complainant has access to a statement provided by the complainant to be school district in connection with a complaint or charge against an employee.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the responsible authority determines that the employee's access to that data would:
 - 1. threaten the personal safety of the complainant or a witness; or
 - 2. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- L. Independent School District 191 must report to the Minnesota Professional Educator Licensing and Standards Board (“PELSB”) or the Board of School Administrators (“BOSA”), whichever has jurisdiction over the teacher’s or administrator’s license, as required by Minnesota Statutes, section 122A.20, subdivision. 2, and shall, upon written request from the licensing board having jurisdiction over a license, provide the licensing board with information about the teacher or administrator from the school district’s files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statutes, Section 122A.20, Subd. 2.
- M. Private personnel data shall be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment insurance program under Minnesota Statutes Ch. 268.
- N. When a report of alleged maltreatment of a student in an elementary, middle school, high school is made to the Commissioner of the Minnesota Department of Education (“MDE”) under Minnesota Statutes Chapter 260, data that are relevant and collected by the school facility about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines.
- O. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if
 1. an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or
 2. the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee’s alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minnesota Statutes Chapter 13.

Data that are released under this paragraph must not include data on the student.

- P. Data submitted by an employee to the school district as part of an organized self-

evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or improve the school district operations is private data. An employee who is identified in a suggestion, however, shall have access to all data in the suggestion except the identity of the employee making the suggestion.

- Q. Protected health information, as defined in 45 C.F.R. Parts 160 and 164, on employees is private and will not be disclosed except as permitted or unless otherwise provided by law.
- R. Personal home contact information for employees may be used by the school district to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of school district operations and may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- T. When a continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual offenses involving a child as set forth in Minnesota Statutes, section 122A.40, subdivision 13(b) or when the Commissioner of the MDE makes a final determination of child maltreatment involving a teacher, under Minnesota Statutes, section 260E.21, subdivision 4 or 260E.35, the executive director of human resources or designee must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Statutes Section 13.41, subdivision. 5, and must provide the PELSB and the licensing division at MDE with the necessary and relevant information to enable the PELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minnesota Statutes Section 123B.03, a school board or other school hiring authority must contact the PELSB and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the

requesting school district.

VI. MULTIPLE CLASSIFICATIONS

If data on individuals is classified as both private and confidential by Minnesota Statutes Ch. 13, or any other state or federal law, the data are private.

VII. CHANGE IN CLASSIFICATIONS

Independent School District 191 shall change the classification of data in its possession if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VIII. RESPONSIBLE AUTHORITY

The school district has designated Stacey Sovine, executive director of human resources as the authority responsible for personnel data.

The responsible authority, or a school district employee if so designated, shall serve as the school district's data practices compliance official and, as such, shall be the employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

An employee authorization form is included as an addendum to this policy.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §13.02 (Definitions)
Minn. Stat. § 13.03 (Access to Government Data)
Minn. Stat. § 13.05 (Duties of Responsible Authority)
Minn. Stat. §13.37 (General Nonpublic Data)
Minn. Stat. §13.39 (Civil Investigation Data)
Minn. Stat. § 13.41 (Licensing Data – Public Data)
Minn. Stat. §13.43 (Personnel Data)
Minn. Stat. § 13.601, subd. 3 (Applicants for Employment)
Minn. Stat. § 15.0597 (Appointment to Multimember Agencies)
Minn. Stat. §122A.20, Subd. 2 (Mandatory Reporting)P.L.
Minn. Stat. § 122A.40, Subds. 13 and 16 (Employment; Contracts; Termination)
Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. § 123B.143, subd. 2 (Disclose Past Buyouts)Minn. Stat. Ch. 179 (Minnesota Labor Relations Act)
Minn. Stat. Ch. 179A (Minnesota Public Labor Relations Act)
Minn. Stat. § 253B.07(Judicial Commitment: Preliminary Procedures)
Minn. Stat. 260F (Reporting of Maltreatment of Minors)
Minn. Stat. Ch. 268 (Unemployment Insurance)

Minn. R. Pt. 1205 (Data Practices)
P.L. 104-191 9HIPAA)
45 C.F.R. Parts 160, 162 and 164 (HIPAA Regulations)

Cross References: Policy 206 (Public Participation in School Board Deliberations)
Policy 515 (Protection and Privacy of Pupil Records)
Burnsville-Eagan-Savage school District Policy 722 (Public Data Requests)
MSBA Law Bulletin “I” (School Records – Privacy – Access to Data)

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 Rescinds: JO

Burnsville-Eagan-Savage School District Policy 515

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes Ch. 13, and Minnesota Rules Parts 1205.0100-1205.2000.

III. DEFINITIONS

A. Authorized Representative

“Authorized representative” means any entity or individual designated by the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

B. Biometric Record

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

C. Dates of Attendance

“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, videoconference, satellite, internet or other electronic information and

telecommunications technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

D. Directory Information

“Directory information” includes: the student’s name; address; telephone listing; photograph; date of birth; major field of study; dates of attendance; grade level; enrollment status (i.e. full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received and the most recent educational agency or institution attended and photographs of students taking part in officially recognized activities, sports, and academic or non-academic classes or programs. One of the purposes of directory information is to allow the School District to include this type of information about the student in official school publications, including but not limited to, the yearbook, the student newspaper, graduation programs, honor roll or other recognition lists, sports programs and drama playbills. Directory information does not include:

1. a student’s social security number;
2. a student’s identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student’s identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student’s identity, such as a PIN, password, or other factor known or possessed only by the student;
4. personally, identifiable data which references religion, race, color, social position, or nationality; or
5. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student’s parent or guardian.

E. Education Records

1. What constitutes “education records.” Education records means those records that are: (1) directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.

2. What does not constitute education records. The term, “education records,” does not include:

- a. Records of instructional personnel that are:
 - (1) kept in the sole possession of the maker of the record; and
 - (2) used only as a personal memory aid;
 - (3) not accessible or revealed to any other individual except a temporary substitute teacher; and
 - (4) destroyed at the end of the school year.

- b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
 - (1) maintained separately from education records;
 - (2) maintained solely for law enforcement purposes; and
 - (3) disclosed only to law enforcement officials of the same jurisdiction.

- c. Records relating to an individual, including a student, who is employed by the school district which:
 - (1) are made and maintained in the normal course of business;
 - (2) relate exclusively to the individual in that individual’s capacity as an employee; and
 - (3) are not available for use for any other purpose.

However, records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student are education records.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:
 - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
 - (2) made, maintained, or used only in connection with the

provision of treatment to the student; and

(3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

e. Records created or received by the school district after an individual is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Eligible Student

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

G. Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

H. Legitimate Educational Interest

"Legitimate educational interest" includes an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:

1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid, or
4. Perform a task directly related to responding to a request for data.

I. Parent

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or

guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

J. Personally Identifiable

“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number or biometric record; (e) other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

K. Record

“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

L. Responsible Authority

“Responsible authority” means the superintendent of schools or designee.

M. Student

“Student” includes any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

N. School Official

“School official” includes: (a) a person duly elected or appointed to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an

attorney, or an auditor for the period of his or her performance as an employee or contractor.

O. Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

P. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

IV. GENERAL CLASSIFICATION

State law provides that all data collected, created, received, or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the

federal law and the regulations promulgated thereunder;

6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

B. Eligible Students

All rights and protections given to parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

C. Students with Disabilities

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the privacy, notice, access, record keeping and accuracy of information related to students with a disability.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.

3. When a disclosure is made under this subdivision:
 - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
 - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
 - a. identifies and authenticates a particular person as the source of the electronic consent; and
 - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
 - a. in plain language;
 - b. dated;
 - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - d. specific as to the nature of the information the subject is authorizing to be disclosed;
 - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
 - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
 - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes Chapter 256B or Minnesota Care under Minnesota Statutes Chapter 256L,

which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
 - a. performs an institutional service or function for which the school district would otherwise use employees;
 - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
 - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made,
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 U.S.C. § 7917, and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause

notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or § 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule,

attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.

7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;
8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in

18 U.S.C. § 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations

which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - a. the following information about a student must be disclosed: a student's full name; home address; telephone number; date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
 - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minnesota Statutes section 260B.171, subdivision 3. The principal must

notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minnesota Statutes § 260B.171, subdivision 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or

volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action;

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements. or
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 U.S.C. § 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations

which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

VII. RELEASE OF DIRECTORY INFORMATION

A. Classification

Directory information is public except as provided herein.

B. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an “education record,” the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual’s attendance as a student (e.g., a student’s activities as an alumnus of the school district).

C. Present Students and Parents

The school district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
 - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
 - b. the parent’s or eligible student’s right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
 - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any

or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.

3. A parent or eligible student may not opt out of the directory information disclosures to:
 - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
 - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by student;
4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

B. Private Records Not Accessible to Parent

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

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
 - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
 - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
 - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
 - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
 - e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes sections 144.341-144.347, in which case the data may be released only if the failure to inform

the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

D. Military-Connected Youth Identifier

When a school district updates its enrollment forms in the ordinary course of business, the school district must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes section 626.556, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes Chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes Chapter 260E,, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or

that are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minnesota Statutes section 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
 - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
 - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
 - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

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

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

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

A. The school district will release the names, addresses, electronic mail address shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiting officers only), (which and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.

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

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

C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority, the superintendent of schools or designee in writing by September 15 each year. The written request must include the following information:

1. Name of student and parent, as appropriate;
2. Home address;

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

XII. LIMITS ON REDISCLOSURE

A. Redisclosure

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this

policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:

- a. The disclosures meet the requirements of Section VI. of this policy; and
 - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan for securing student records by September 1 of each school year. The written plan shall contain the following information:

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

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy, and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student that indicates:
 - a. the parties who have requested or received personally identifiable information from the education records of the student;
 - b. the legitimate interests these parties had in requesting or obtaining the information; and
 - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.

2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
 - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
 - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
 - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
 - a. the parent of the student or the eligible student;
 - b. the school official or his or her assistants who are responsible for the custody of the records; and
 - c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under

the health or safety emergency exception:

- a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
 - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The school district shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

The school district shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
 - a. the cost of materials, including paper, used to provide the copies;
 - b. the cost of the labor required to prepare the copies;
 - c. any schedule of standard copying charges established by the school district in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and

- e. mailing costs.
- 2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
- 3. The cost of providing copies shall be borne by the parent or eligible student.
- 4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that the school district amend those records.

- 1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
- 2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
- 3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
 - a. be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and
 - b. if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minnesota Statutes Chapter 14 relating to contested cases.

XVI. PROBLEMS ACCESSING DATA

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means superintendent of schools or designee.
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

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

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

XVIII. WAIVER

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school district may not require such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

The school district shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

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

C. Notification to Parents or Eligible Students Who are Disabled

The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

XX. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by the school district shall be controlled by state and federal law.

XXI. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students online at the district's website or at the superintendent's office.

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 - Minn. Stat. § 13.393 (Attorneys)
 - Minn. Stat. Ch. 14 (Administrative Procedures Act)
 - Minn. Stat. § 120A.22 (Compulsory Instruction)
 - Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
 - Minn. Stat. § 121A.75 (Receipt of Records; Sharing)Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
 - Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
 - Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
 - Minn. Stat. Ch. 256L (MinnesotaCare)
 - Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
 - Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
 - Minn. Stat. § 363A.42 (Public Records; Accessibility)
 - Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
 - 10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
 - 18 U.S.C. § 2331 (Definitions)
 - 18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
 - 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
 - 20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
 - 20 U.S.C. § 7908 (Armed Forces Recruiting Information)
 - 20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
 - 25 U.S.C. § 5304 (Definitions – Tribal Organization)
 - 25 25 U.S.C. § 5304
 - 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
 - 42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)
 - 42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
 - 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
 - 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
 - 42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
 - Gonzaga University v. Doe*, 536 U.S. 273 (2002)
- Cross References:**
- Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 - Burnsville-Eagan-Savage School District Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 - Burnsville-Eagan-Savage School District Policy 417 (Chemical Use and Abuse)
 - Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
 - Burnsville-Eagan-Savage School District Policy 519 (Interviews of Students by Outside Agencies)
 - Burnsville-Eagan-Savage School District Policy 520 (Student Surveys)

Burnsville-Eagan-Savage School District Policy 711 (Video Recording on School Buses)

Burnsville-Eagan-Savage School District Policy 722 (Public Data Requests)

Burnsville-Eagan-Savage School District Policy 906 (Community Notification of Predatory Offenders)

MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)



**Agenda IV.A.9.
February 10, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Brian Gersich, assistant superintendent

Date: February 2, 2022

Re: Policies 501: *School Weapons Policy*, and
503: *Student Attendance*

Recommendation: Approve, on a first reading basis, changes to Policies 501: *School Weapons Policy*, and 503: *Student Attendance*.

These policies were reviewed by the Policy Review Committee on January 18, 2022. The changes were recommended by MSBA. The first reading was approved by the Board on January 27, 2022.

Summary of changes:

- 501 - Adds language to definition of 'weapon' to align with MN statute; adds referral to law enforcement; clarifies provisions on p.3; revises citations
- 503 - Adds newly enacted law on religious observances and annual notification to parents

Adopted: 9/24/2015
Reviewed: 1/27/2022
Revised: 2/10/2022
Rescinds:

Burnsville-Eagan-Savage School District Policy 501

501 SCHOOL WEAPONS POLICY

I. PURPOSE

The purpose of this policy is to assure a safe school environment for students, staff and the public.

II. GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in a school location except as provided in this policy. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

III. DEFINITIONS

A. “Weapon”

1. A “weapon” means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; air guns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; num-chuks; throwing stars; explosives; fireworks; mace and other propellants; electroshock devices including stun guns or tasers; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

- #### **B. “School Location”** includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of

entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.

- C. “Possession” means having a weapon on one’s person or in an area subject to one’s control in a school location.
- D. “Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

IV. EXCEPTIONS

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal’s office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal’s office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon’s location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
 - 1. active licensed peace officers;
 - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
 - 3. persons authorized to carry a pistol under Minnesota Statutes section 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
 - 4. persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes sections 624.714 or 624.715 or other firearms in accordance with Minnesota Statutes, section 97B.045;

- a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for “antique firearms which are carried or possessed as curiosities or for their historical significance or value.”
 - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with sections 624.714 and 624.715.
5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
 6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
 7. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; in such cases when permission is granted, the principal or other person having general control with supervision of the school or the director of child care center will notify the superintendent in advance and follow applicable procedures; or
 8. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

While the school district does not allow the possession, use or distribution of weapons by students, or nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation of the rule against the possession, use or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

A school district may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minnesota Statutes section 624.714 to carry a pistol in the interior of a vehicle or outside the

motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION / USE / DISTRIBUTION

- A. The school district does not allow the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students willfully possessing, using or distributing weapons shall include:
1. immediate out-of-school suspension;
 2. confiscation of the weapon;
 3. immediate notification of police;
 4. parent or guardian notification; and
 5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.
- C. The building principal shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully.
- D. Administrative Discretion

While the school district does not allow the possession, use or distribution of weapons by students, the superintendent may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

VI. CONSEQUENCES FOR WEAPON POSSESSION / USE / DISTRIBUTION BY NONSTUDENTS

- A. Employees
1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.

2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

B. Other Nonstudents

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

VII. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES

- A. The school district must electronically report to the Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes, section 121A.06.

Legal References: Minn. Stat. § 97B.045 (Transportation of Firearms)
Minn. Stat. § 121A.05 (Referral to Police)
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
Minn. Stat. § 152.01, subd. 14(a) (Definition of a School Zone)
Minn. Stat. § 609.02, Subd. 6 (Definition of Dangerous Weapon)
Minn. Stat. § 609.605 (Trespass)
Minn. Stat. § 609.66 (Dangerous Weapons)
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)
18 U.S.C. § 921 (Definition of Firearm)
In re C.R.M. 611 N.W.2d 802 (Minn. 2000)
In re A.D., 883 N.W.2d 251 (Minn. 2016)

Cross References: Burnsville-Eagan-Savage School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
Burnsville-Eagan-Savage School District Policy 525 (Violence Prevention)
Burnsville-Eagan-Savage School District Policy 903 (Visitors to School

District Buildings and Sites)

Adopted: 12/1997
 Reviewed: 1/27/2022
 Revised: 2/10/2022
 Rescinds: JE

Burnsville-Eagan-Savage School District Policy 503

503 STUDENT ATTENDANCE

I. PURPOSE

- A. The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance and is intended to be positive and not punitive.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher, and administrators. This policy will assist students in attending class.

II. GENERAL STATEMENT OF POLICY

A. Responsibilities

1. Student's Responsibility

A student has the right to be in school. A student also has the responsibility to attend all assigned classes and study halls every day that school is in session, participate in the instructional activities for the full class period, and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, a student has the responsibility to request any missed assignments due to an absence.

2. Parent or Guardian's Responsibility

A student's parent or guardian has the responsibility to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

3. Teacher's Responsibility

The teacher has the responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. The teacher also has the responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. The

teacher also has the responsibility to provide any student who has been absent with any missed assignments upon request. Finally, the teacher has the responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

- a. The administrator has the responsibility to require students to attend all assigned classes and study halls. The administrator also has the responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance, and to prepare a list of the previous day's absences stating the status of each. Finally, the administrator has the responsibility to inform the student's parents or guardians of the student's attendance and to work cooperatively with them and the student to solve attendance problems.
- b. In accordance with the Minnesota Compulsory Instruction Law, Minnesota Statutes section 120A.22, the students of the school district are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Types of Absences

1. Excused Absences

- a. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school. A note from a physician or a licensed mental health professional stating that the student cannot attend school is a valid excuse.
- b. The following reasons shall be sufficient to constitute excused absences:
 - (1) Illness.
 - (2) Serious illness in the student's immediate family.
 - (3) A death or funeral in the student's immediate family or of a close friend or relative.
 - (4) Medical, dental, or orthodontic treatment, or a counseling

appointment.

- (5) Court appearances occasioned by family or personal action.
- (6) Religious instruction not to exceed three hours in any week.
- (7) Physical emergencies such as fire, flood, storm, etc.
- (8) Official school field trip or other school-sponsored activity.
- (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
- (10) Active duty in any military branch of the United States.
- (11) A student's condition that requires ongoing treatment for a mental health diagnosis.
- (12) Family emergencies.

c. Consequences of Excused Absences

- (1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher.
- (2) Work missed because of absence must be made up within two school days from the date of the student's return to school. However, the classroom teacher or the building principal may extend the time allowed for completion of make-up work in the case of an extended absence or other extenuating circumstances.

2. Unexcused Absences

a. The following are examples of absences which will not be excused:

- (1) Truancy. An absence by a student which was not approved by the parent and/or the school district.
- (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
- (3) Work at home.

- (4) Work at a business, except under a school-sponsored work release program.
- (5) Absences resulting from cumulated unexcused tardies (7 tardies equal one unexcused absence)
- (6) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minnesota Statutes sections 121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.
- (3) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.

C. Tardiness

- 1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness. Assigned area applies to physical and virtual areas.
- 2. Procedures for Reporting Tardiness
 - a. Students tardy at the start of school must report to the school office for an admission slip. Exception made for virtual learning students.
 - b. Tardiness between periods will be handled by the teacher.
- 3. Excused Tardiness

Valid excuses for tardiness are:

 - a. Illness.
 - b. Serious illness in the student's immediate family.
 - c. A death or funeral in the student's immediate family or of a close friend or relative.
 - d. Medical treatment or appointment.

- e Court appearances occasioned by family or personal action.
- f Physical emergency conditions such as fire, flood, storm, etc.
- g Any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

- a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs

1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.
2. School-initiated absences will be accepted and participation permitted.
3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
4. If a student is suspended from any class, he or she may not participate in any activity or program that day.
5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.
6. Absences of one-half day or more, **even if excused**, prohibits students from participating that day in a Minnesota State High School League (MSHSL) competition. Certain exceptions, as outlined by MSHSL policy, are allowed at the school's discretion.

III. RELIGIOUS OBSERVANCE ACCOMMODATION

Reasonable efforts will be made by the school district to accommodate any student who wishes to be excused from a curricular activity for a religious observance. Requests for accommodations should be directed to the building principal.

IV. DISSEMINATION OF POLICY

- A. Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in each principal's office.

- B. The school district will provide annual notice to parents of the school district's policy relating to a student's absence from school for religious observance.

V. REQUIRED REPORTING

A. Continuing Truant

Minnesota Statutes section 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minn. Stat. § 120A.22 and is absent from instruction in a school, as defined in Minnesota Statutes section 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in a secondary school.

B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minnesota Statutes section 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minnesota Statutes section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minnesota Statutes section 120A.34;
4. That this notification serves as the notification required by Minnesota Statutes section 120A.34;
5. That alternative educational programs and services may be available in the child's enrolling or resident district;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minnesota Statutes Chapter 260;

8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minnesota Statutes section 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.
2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minnesota Statutes Chapter 260A.

Legal References: Minn. Stat. § 120A.05 (Definitions)
 Minn. Stat. § 120A.22 (Compulsory Instruction)
 Minn. Stat. § 120A.24 (Reporting)
 Minn. Stat. § 120A.26 (Enforcement and Prosecution)
 Minn. Stat. § 120A.34 (Violations; Penalties)
 Minn. Stat. § 120A.35 (Absence from School for Religious Observance)
 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
 Minn. Stat. § 260A.02 (Definitions)
 Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing Truant)
 Minn. Stat. § 260C.007, subd. 19 (Habitual Truant Defined)
 Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)
Goss v. Lopez, 419 U.S. 565 (1975)
Slocum v. Holton Board of Education, 429 N.W.2d 607 (Mich. App. Ct. 1988)
Campbell v. Bd of Educ. of New Milford, 475 A.2d 289 (Conn.1984)
Hamer v. Bd of Educ. of High Sch. Dist. No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)
Gutierrez v. Sch. Dist. R-1, 585 P.2d 935 (Co. Ct. App. 1978)
Knight v. Bd of Educ., 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)
Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References: Burnsville-Eagan-Savage School District Policy 105 (Equity, Access and Excellence in Education)
 Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)

Burnsville-Eagan-Savage School District Policy 609 (Religion)

February 10, 2022 Board Meeting

Board Members' Questions and Staff Responses regarding BoardBook materials

(FY23 Preliminary Budget)

Board Member Question	Staff Response
<p>A. Specifically, the Board Planning document states that the input form was to have been opened in January. However, verbiage from current Process & Timeline document "... Presentation of initial budget adjustments on February 24 in workshop. Open online feedback form for parents and community after BOE meeting" is out of alignment both with the Board Planning Document and with current reality, as the form has already been sent out to staff and families. As reference, here is January verbiage from the Board Planning Document:</p> <p>1) Board Approval of Revised FY22 Budget (second mtg) 2) Budget planning Board workshop a) Initial FY23 budget workshop: present current reality and parameters. b) Present timeline, process, and overview publicly (including dates for site, staff, student, and community input.) c) Open online input form with clear end-date for submission and d) clear end-date identified for final BOE</p> <p>B. Similarly, on 1/27/22 additional discrepancies were discussed, and staff</p>	<p><u>January</u></p> <ul style="list-style-type: none"> ● ELT, Principals, Directors Budget meetings on January 25 ● Superintendent presents the preliminary budget process, overview and timeline in a workshop. ● Executive Director of Business Services presents the revised budget for FY22 with enrollment adjustments, and revenue and expenditures to the Board of Education (BOE). Board approval of Revised FY22 budget. Budget planning board workshop and initial FY23 budget workshop: present current reality and parameters, timeline, process and overview. Open online input form with clear end-date for submission and clear end-date identified for final BOE. <p><u>February</u></p> <ul style="list-style-type: none"> ● Present initial FY23 preliminary budget process information at regular board meeting that will include draft Guiding Change document and assumptions and process ● Open online feedback form for parents, staff and community ● Planning sessions among leaders, department heads and principals ● Presentation of initial budget adjustments on February 24 in the regular board meeting. Executive

was asked to align March verbiage in the Process & Timeline document with the Board Planning Document. The Board Planning Document specifies the final adjustments are presented during the "2nd Meeting of the Board;" "Meeting" is a regular meeting, and not a workshop. Direction provided on 1/27/22 was to edit the current FY23 Process and Timeline document to align with the Board Planning document's March verbiage:

(Mgmt): final planning sessions among leadership, dept heads, and principals based on staff, community, BOE feedback;

b) 1st March regular Board meeting: Present final budget adjustments to the board. c) Board workshop to review input/feedback. 2nd Meeting of Board: Board meeting to present final adjustments by department based on input.

As discussed in the 1/27/22 meeting, receiving final budget adjustments in a meeting assures our community that the board has given its formal and public "blessing" to FY23 adjustments in a regular board meeting.

C. Please have Jami edit the FY23 Process and Timeline document embedded in Thursday's slide deck accordingly for both items A and B above and as discussed on 1/27/22.

Director of Business Services to present a virtual meeting to share the FY23 Preliminary Budget adjustments introducing the staff online feedback link

- ELT, Set staffing numbers

March

- One board workshop to review input/feedback
- Superintendent presents the adjusted budget recommendation to Board
- Planning sessions among leadership, department heads and principals based on staff, community, BOE feedback
- Per 2023 Board Planning Document, 1st Board meeting present final adjustments to the board on March 10 and final adjustments by department based on input budget presented to BOE during 2nd March meeting, on March 24, 2020

D. I see the presenters are you, Stacey, Lisa, and Imina. I am curious as to why Imina is a presenter for this budget item and her supervisor/your direct report, Brian, is not.

- E. Slide 13
 - Cross functional team reviews: Does this mean that each of your four direct reports (representing HR, Finance, Learning, and Communications) sits in on budget discussions for each department?
 - If not, please elaborate on the details of who attends each cross-functional team meeting.
 - Is there a final check-in between your four direct reports to confer prior to presenting to you? Or, who attends the final meeting prior to presenting the final budget to you?
- F. Slide #16 - Please edit to align with the Board Planning document of 8/2021.

D. Imina has day to day oversight of district-wide curriculum and instruction, development, implementation and alignment. Dr. Battle chose for her to present the Instructional Priorities slide.

- The cross-functional team includes the budget manager, budget manager's direct supervisor, Finance, SISA department representative if applicable, principal representative, HR and me (Dr. Battle) if the budget manager's direct report. The Expanded Cabinet (me, directors, and ELT) may review preliminary department and district-wide budgets too.
 - Dr. Battle will meet with her four direct reports to review their budgets. Through cross-functional meetings and the Expanded Cabinet I review all final budget recommendations.
- Slide has been revised to reflect the following:

- February - Online survey opens, virtual meetings and presentations seeking input/feedback about budget priorities
- February 24 - Board receives report on preliminary list of budget adjustments in board meeting
- Gather additional feedback from parents and community after February 24 board meeting

	<ul style="list-style-type: none"> ● March - board discussion in workshop ● March 10 - Superintendent presents recommended budget adjustments at regular board meeting ● March 24 - Superintendent presents final recommended budget adjustments by department in board meeting ● June 9 - FY23 Adopted budget presented ● June 16 - FY23 Adopted budget approved
<p>"Pandemic provides unique opportunity to review how we're doing things. "Evaluate current systems over the next 6-8 months. "Compare to peers, find discrepancies, and look for opportunities to become more efficient while remaining effective. "Could include service delivery models, scheduling, etc."</p> <p>What has happened with the above since last year's budget process? What changes might be proposed in the new budget to reflect outcomes from last year's discussions?</p> <p>Perhaps most importantly (to me, at least), I'd like to know what staff positions are being considered for reductions / right sizing for FY23, besides teachers and other staff whose job is primarily working with our students. If we are continuing to lose the equivalent of half an elementary school in enrollment each year, I'd like to be reassured that we are looking at more</p>	<p>In preparing for FY23 budget, staff and I have reviewed ESSER II expenditures to determine those that should be continued for funding via ESSER III for FY23. For example, we added teachers at K-2 grades to ameliorate the impact of COVID-19 interruption to student's learning and access to direct instruction via in-person learning. We have completed a line item review of previous expenditures from the General Fund to determine how we might find efficiencies. We are implementing the same process with budget managers for FY23. Teams have compared our General Fund expenditures to other districts using historical MDE financial information submitted to MDE by districts. However, an apple to apples comparison cannot be made due to district's unique structures for staffing, strategic priorities and available resources.</p>

<p>than teacher positions, in terms of proposed "right sizing" staffing adjustments.</p>	<p>We are vetting a proposal to change the middle school schedule and I will share more information during February 1:1 meetings with board members.</p> <p>Right-sizing is based on student enrollment and the most impacted are those who provide direct student instruction and support. Remember the majority of our budget supports schools directly. Staff positions across multiple bargaining units and terms and conditions for employment will be considered for reductions. At the February 24 board meeting I will share initial budget adjustments.</p>
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(Purchase of Networking Equipment Access Points)

Board Member Question	Staff Response
<p>For the wireless access points, where is the \$60k coming from to pay for this project? Is it from the tech levy funds, or from another source?</p>	<p>It is planned for FY23 Capital budget. Rachel Gorton has been working with Lisa to determine if this could be moved into FY 22 capital but that has not yet been determined.</p>

(FY23 Budget Workshop)

Board Member Question	Staff Response
<p>For the budget discussion, I would like to be able to see the budgetary impact of potentially changing our current class size parameters, similar to what we have had in prior years. For example, the budgetary and human impact of</p>	<p>The interactive budget model will be available for board members to see the impact if this question is asked.</p>

decreasing or increasing class sizes by 0.5 or 1.0 per class. If that's not possible for this week, would we be able to have something like that for our next workshop?	
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Future Ready. Community Strong.

**Agenda IV.B.1.
February 10, 2022**

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

From: Imina Oftedahl, Director of Curriculum, Instruction and Assessment

Date: February 10, 2022

Re: 2021-2022 Resolution of Concurrence, American Indian Parent Advisory Committee

RECOMMENDATION: Pursuant Minnesota Statute, section 124D.78 Subdivision 2, it is recommended that the ISD 191 School Board accept the American Indian Parent Advisory Group Vote of Concurrence attesting that the school district are compliant with Minnesota Statutes and meeting the needs of American Indian children.

State law and School Board Policy require the establishment of an American Indian Parent Advisory Committee. The meeting was held on February 3, 2022.



Annual Compliance Overview

Minnesota Statutes, section 124D.78 requires Minnesota districts, charters, and tribal schools with 10 or more American Indian students to have an American Indian Parent Advisory Committee (AIPAC). Specifically, the statute cites that school boards and American Indian schools must provide for the maximum involvement of parents and children enrolled in education programs, programs for elementary and secondary grades, special education programs, and support services.

To be compliant with this statutory requirement, districts, charters, and tribal schools are required to submit annual compliance documents to the Office of American Indian Education (OAIE) by March 1 of each year. Also known as the vote of concurrence or nonconcurrence, annual compliance is a valuable opportunity for American Indian Parent Advisory Committee members to meet and discuss whether or not they concur with the educational offerings that have been extended by the district to American Indian students.

The Vote and Resolution

If the AIPAC finds that the district and/or school board have been meeting the needs of American Indian students, they issue a vote and resolution of concurrence. If they find that the district and/or school board have not been meeting the needs of American Indian students, they issue a vote and resolution of nonconcurrence. This vote is formally reflected on the annual compliance documents. Members of the AIPAC must present the vote and resolution to the school board.

If the vote is one of nonconcurrence, the AIPAC must provide written recommendations for improvement to the school board at the time of the presentation. The school board then has 60 days in which to respond in writing to the AIPAC recommendations. A copy of this written response must be provided to the OAIE.

Completing and Submitting the Documents

The following items are required when submitting annual compliance:

- ✓ The annual compliance/vote of concurrence or nonconcurrence document
- ✓ The AIPAC resolution document
- ✓ The AIPAC roster and district employee sign-in sheet (available to download on the OAIE webpage)

All items are fillable PDF forms. When completing, remember to:

- Include the district or school name and identifying number.
- Place a check mark next to the applicable vote.
- Include all dates as indicated.
- Add all signatures as required. **Digital signatures are accepted.*
- Use the drop-down menu in the roster to select the appropriate committee member options.

The District or School Does Not Have an AIPAC:

Districts or schools that do not have an AIPAC are still required to complete this paperwork.

- Place a check mark next to “Does Not Have an AIPAC”.
- Obtain the signature of the superintendent or charter/tribal school director and the school board chair. The resolution page is not required.

Submission Deadline:

Email all three required items **by March 1** to: MDE.AnnualCompliance@state.mn.us.

Annual Compliance/Vote of Concurrence or Nonconcurrence

District, Charter, or Tribal School Name: Burnsville School District #191

The American Indian Parent Advisory Committee Vote

The AIPAC Issued a Vote of Concurrence

Date of Concurrent Vote: 02/02/2022

Date the AIPAC presented to the school board: 02/10/2022

The AIPAC Issued a Vote of Nonconcurrence

A vote of nonconcurrence requires the AIPAC to provide specific written recommendations for improvement to the school board. The school board is required to respond in writing to each recommendation within 60 days of the recommendations being put forth. The school board must provide this written response to both the AIPAC and to the Office of Indian Education.

Date of Nonconcurrent vote:

Date the AIPAC presented to the school board:

Date the written response from the school board is due:

The District/School Does Not Have an AIPAC

The district has not yet formed an AIPAC, but recognizes the need to do so in order to remain compliant with Minnesota Statutes, section 124D.78. By signing below, the district/school leadership commits to working with the Office of American Indian Education on committee formation.

Required signatures

**Digital signatures are accepted*

School Board Chairperson Date

Superintendent or Charter/Tribal School Director Date

Kelly Sief
AIPAC Chairperson 2/2/2022
Date

The American Indian Parent Advisory Committee Resolution

WHEREAS, the school board or district has an AIPAC composed of parents/guardians of American Indian children who are eligible for Indian education programs, American Indian language and culture teachers and paraprofessionals, American Indian teachers, American Indian counselors, American Indian adults enrolled in educational programming, and American Indian representatives from community;

WHEREAS, the school board or district affords the AIPAC the necessary information and the opportunity to effectively express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school(s) and program(s); and,

WHEREAS, the AIPAC is directly involved with and advises the school board and district staff on Indian Education program planning; and,

WHEREAS, the AIPAC develops and submits recommendations to the school board and district staff pertaining to the needs of American Indian students.

THEREFORE BE IT RESOLVED, that the AIPAC concurs that the school board and district are compliant with Minnesota Statutes, section 124D.78, and that the school board and district are meeting the needs of American Indian students.

We, the American Indian Parent Advisory Committee, issue a **Vote of Concurrence**. We attest that the school board and/or district are compliant with Minnesota Statutes and that the school board and/or district are meeting the needs of American Indian students; or,

We, the American Indian Parent Advisory Committee, issue a **Vote of Nonconcurrence**. We attest that the school board and/or district are not compliant with Minnesota Statutes and that the school board and/or district are not meeting the needs of American Indian students. We have provided written recommendations for improvements to the school board, and we acknowledge that the school board has 60 days from the receipt of these recommendations in which to respond, in writing, to each recommendation.

Kelley Sandquist
AIPAC Chairperson Printed Name and Signature

Kelley C.

2/2/2022
Date



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

Agenda IV.B.2
February 10, 2022

From: Rachel Gorton, Director of Technology

Date: February 10, 2022

Re: Award Contract for Wireless Access Points

RECOMMENDATION: That the Board of Education award the contract for the Wireless Access Point purchase to CDW-G.

This wireless access point (AP) project will replace an estimated 502 and add an estimated 25 APs at Burnsville High School, Cedar School (BAHS and 917), Diamondhead Education Center, Eagle Ridge Middle School, and Nicollet Middle School. This project is approximately 50% of the APs in our district and we anticipate the elementary schools will be upgraded next year.

Wireless Access Points are a critical component of our network and provide the ability for devices such as laptops, Chromebooks, phones, and other WIFI devices to connect to our wired network. This project includes 537 Extreme Wireless APs, 5 year Licensing, and professional services for configuration.

The wireless access point project qualifies for category 2 of the Federal Communications Commission (FCC) E-Rate program which provides discounts to public schools and libraries for equipment and services for telecommunications, internet access, and internal connections. Per E-Rate requirements, a competitive bidding process was followed with three vendors providing qualifying bids. The E-Rate bid evaluation requires that the price of eligible products and services must be weighed heavier than any other single factor. The bid we are accepting was the lowest bid price.

The E-Rate discount rate is based on a calculation of the total number of students eligible for the National School Lunch Program divided by total number of students in the district. ISD191 qualifies at a 60% reimbursement rate.

Total Cost before E-Rate reimbursement not to exceed = \$300,000
District cost after 60% E-Rate reimbursement not to exceed = **\$120,000**

It is recommended the contract be approved with CDW-G for Wireless Access Points.



**Agenda V.A.
February 10, 2022**

To: Board of Education

From: Dr. Theresa Battle, superintendent, Lisa Rider, executive director of business services, Imina Oftedahl, director of curriculum, instruction and assessment, and Stacey Sovine, executive director of human resources

Date: February 4, 2022

Re: FY23 Preliminary Budget Discussion

Fiscal Year (FY) 23
Preliminary ¹⁴⁶
Budget
Assumptions

**Dr. Theresa Battle, superintendent,
Lisa Rider, executive director of business
services,
Imina Oftedahl, director of curriculum,
instruction and assessment,
and
Stacey Sovine, executive director of human
resources**

February 10, 2022



- » Provide the Board and Community with FY23 budget approach, processes, strategies and preliminary budget assumptions
- » Review FY23 current reality after audit FY21 and revised FY22 approval (interactive model available for workshop discussion)
- » Share next steps to Board action to adopt FY23 budget by June 2022

Agenda

- Guiding change and budget process for FY23
- Board of Education Values
- FY23 preliminary budget assumptions
- Strategies to structurally balance the FY23 budget
- Current reality after FY 2021 audit and revised FY 2022 budget
- Next steps

- Guiding change - FY23 budget

Guiding questions: Given ISD 191's strategic roadmap requires that the district optimizes resources for student learning. How will the budget for FY23 continue to support our mission and priorities, balance the budget and leverage every funding source available? How does the budget align with the goals of advancing equitable student outcomes and the district's strategic directions?

- FY23 Budget Goals, Process, and Timeline

Board of Education Guiding Values

- Creating a school system that values diversity and serves the unique needs of our students, families and staff
- Valuing the professionalism of our staff and their roles in serving our students and families
- Working within our budget to ensure programs and services are sustainable

Note: Established by board for negotiations with employee groups based on the district's mission of Each Student. Future Ready. Community Strong.

FY23 Preliminary Budget Revenue Assumptions

151

- Enrollment assumed for FY23 will be K-12 7,219 Fall and End of Year (EOY)
- Base model assumes the 2% increase on the General Education formula approved by 2021 legislative session
- Elementary and Secondary School Emergency Relief Fund (ESSER) III funds will be included and ESSER II funds are removed anticipating they will be fully spent
- Adjustments for reduction enrollment and in compensatory
- Continued assumption of about \$13 million in special education and english learner cross subsidy

FY23 Preliminary Budget Expenditure Assumptions

152

- Salary and Benefit assumptions for all contracts applied
- Transportation increase assumed (in negotiations)
- 3% increase on utilities
- Long term facility maintenance projects = \$2.5 Million
- 0% increase on supplies and materials
- ESSER III funds will replace ESSER II funds, for all additional positions considered to be continuing
- Adjustments for reduction in compensatory

FY23 Strategies to Structurally Balance the Budget

153

- Prioritize investment for instructional priorities, including PK-12 Pathways
- Rightsizing of the FTEs (Full-Time Equivalent) staff based upon enrollment
- Use of restricted funds before general undesignated funds
- Identify efficiencies in utilizing resources
- Strategic use of federal resources to equitably address the impact of the pandemic

FY23 Strategies to Structurally Balance the Budget

Prioritize Instructional Priorities

- Federal Title Funding (I,II,III,IV,VI)
- Achievement & Integration
- Curriculum Capital
- General Funds
 - Professional Development
 - Curriculum
 - Assessment



FY23 Strategies to Structurally Balance the Budget

155

Rightsizing

- Adjust instructional full-time equivalency (FTE's) to maintain Board approved class size averages (rightsizing based on enrollment).
- Adjust staff FTE's to maintain expense to revenue ratio in certain categorical funding areas such as Compensatory, Achievement and Integration, and Title (rightsizing based on categorical funds).

- Staffing allocations provided to building principals based on current Board approved class size averages.
 - K-5 average : 24.5 students per class with fewer students in Kindergarten and more in 5th grade classes.
 - 6-8 average : 21 students per FTE*
 - 9-12 average : 26 students per FTE*

*secondary program class sizes vary based on course type, external class size restrictions, instructional models, and graduation requirements.

FY23 Strategies to Structurally Balance the Budget

157

- Strategic use of federal resources to equitably address the impact of the pandemic

Purpose:

Needed for relief, recovery, rebound

Health needs (physical, mental, social, emotional), connection to school (physical, digital, social-emotional) and effective learning opportunities

- Stakeholder feedback regarding priorities

FY23 Strategies to Structurally Balance the Budget

158

Use of restricted funds before general undesignated funds

Identify efficiencies in utilizing resources

Each budget manager with their supervisor are responsible for the following:

- Reviewing the budget to ensure that all expenditures for 2021-22 school year have been coded correctly
- Identify priority expenditures that must be sustained
- Identify any cost savings
- Make decisions about discretionary funds
- Submit budget adjustments and/or request for additional funding on Additional Budget Template

Cross-functional team reviews before submission to Superintendent

Current Reality FY 23-25

General Fund Budget Comparative Summary

	Final Audit Results 2020-21	6/2021 Adopted Budget 2021-22	Revised Budget 2021-22	Projected 2022-23	Projected 2023-24	Projected 2024-25
Total Beginning Fund Balance	\$ 20,326,027	\$ 21,483,321	\$ 29,521,880	\$ 29,371,899	\$ 19,305,514	\$ 730,899
Revenues	129,973,192	123,498,369	126,417,450	124,822,041	123,058,232	121,967,015
Federal Relief Revenues	4,673,195	7,187,245	9,468,267	8,070,766	8,070,784	-
Expenditures	120,777,339	132,480,192	130,875,664	134,888,426	141,632,847	147,298,161
Federal Relief Expenditures	4,673,195	3,287,245	5,160,034	8,070,766	8,070,784	-
Variance (Revenues - Expenditures)	9,195,853	(5,081,823)	(149,981)	(10,066,385)	(18,574,615)	(25,331,146)
Total Ending Fund Balance	\$ 29,521,880	\$ 16,401,498	\$ 29,371,899	\$ 19,305,514	\$ 730,899	\$ (24,600,247)
Breakdown of Fund Balance Categories						
Nonspendable	\$ 382,338	\$ 367,587	\$ 382,338	\$ 367,587	\$ 382,338	\$ 367,587
Restricted	9,020,782	5,476,553	8,261,908	4,676,553	7,461,908	3,876,553
Committed	1,849,491	1,784,069	1,538,385	398,986	398,986	398,986
Assigned	5,081,823	-	-	-	-	-
Unassigned	13,187,446	8,773,289	19,189,268	13,862,388	(7,512,333)	(29,243,373)
Total Ending Fund Balance	\$ 29,521,880	\$ 16,401,498	\$ 29,371,899	\$ 19,305,514	\$ 730,899	\$ (24,600,247)
Unassigned Fund Balance %	10.51%	6.46%	14.11%	9.70%	-5.02%	-19.85%

Interactive model for
projections will be
available in workshop

FY23 Adopted Budget Timeline

161

- February - Online survey opens, virtual meetings and presentations seeking input/feedback about budget priorities
- February 24 - Board receives report on preliminary list of budget adjustments by department in board meeting
- Gather additional feedback from parents and community after February 24 board meeting
- March - board discussion in workshop
- March 10 - Superintendent presents recommended budget adjustments by department at regular board meeting
- March 24 - Superintendent presents final recommended budget adjustments by department in board meeting
- June 9 - FY23 Adopted budget presented
- June 16 - FY23 Adopted budget approved

*Thank
you*



**Agenda V.B.
February 10, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Scott Hume, vice chair

Date: February 10, 2022

Re: Discuss the 2022 Legislative Platform

LEGISLATIVE PLATFORM

2022

**Supporting all students and addressing
inequity in education**

On behalf of the students, educators, families and community members of Burnsville-Eagan-Savage School District 191, the District 191 Legislative Committee asks the Minnesota State Legislature and U.S. Congress to take the actions described in this platform in 2022.

Permanently fund free school meals

**Remove 15-day residency requirement for
students enrolled in online schools**

**Increase Safe Schools funding to expand
mental health supports**

**Reduce the cross subsidy for
special education and English learning**

**Provide targeted funding to increase
diversity among teachers**

**Provide a legislative exemption to allow
local control of property sale proceeds**



District 191

Legislative Platform

1 Permanently fund free school meals for all students

The COVID-19 pandemic has highlighted the importance of ensuring all students have consistent access to healthy meals through schools. By making the current program of providing free school breakfast and lunch to all students, a barrier to learning is removed.

2 Remove the 15-day residency requirement for online students

Under current law, a student who leaves Minnesota for longer than 15 consecutive days is automatically unenrolled from their school. In the age of online school options, this requirement should be removed for any student enrolled online whose permanent address remains in the state.

3 Increase funding for mental health

It's never been more important to address the mental health needs of students to ensure they are prepared to learn and grow. Increasing the Safe Schools levy will allow schools districts to hire staff to address those needs.

4 Reduce the cross subsidy for special education, English learning

These services are essential for supporting the individual needs of students and are mandated by law. But in 2018-19, for instance, District 191 received about \$12.8 million less in funding than was spent to provide those services. Those costs were covered by the district's general fund — the cross subsidy — meaning less money for general education staff, programming and services.

5 Provide targeted funding to increase diversity among teachers

In District 191 and across Minnesota, only about 4% of teachers are people of color. Studies show that all students do better when they are taught by a diverse teaching staff, and the lack of representation especially harms students of color.

6 Provide a legislative exemption for District 191 property sale

District 191 is planning to sell one or more properties and is seeking a legislative exemption that would allow proceeds of the sale to be transferred to the district's general fund.

ABOUT DISTRICT 191

Burnsville-Eagan-Savage School District 191 is a future-forward school district creating barrier-free pathways for learning for everyone in our community.

We believe learning is a lifelong pursuit, and we create programs, services and opportunities that inspire this belief.

Each Student.

Future Ready.

Community Strong.

one91
Burnsville · Eagan · Savage

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