



Future Ready. Community Strong.

Regular Meeting Agenda

Diamondhead Education Center
200 W. Burnsville Pkway
Burnsville, MN 55337
April 14, 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 Director Eric Miller and Chair Lesley Chester

I. Call to Order

- A. Welcome
- B. Pledge of Allegiance

II. Approval of Agenda

III. Information

- A. FY23 Budget Update 3
Speaker(s): Dr. Theresa Battle, Superintendent and Jason Sellars, Director of Community Education
- B. Middle School Change of End Times 16
Speaker(s): Dr. Theresa Battle, Superintendent, Dr. Angie Pohl, Nicollet Middle School Principal and Mohamed Selim, Eagle Ridge Middle School Principal
- C. Student Representative Report 27
- D. Superintendent Report 28
- E. Board Member Reports 29

IV. Business Meeting

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
- 2. Approve Personnel Recommendations

3. Adopt a Resolution to Accept Donations	33
4. Receive a Report about the Listening Session	35
5. Approve, on a First Reading Basis, Non-substantive Changes to Policies 206: Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations, 211: Criminal or Civil Action Against School District, School Board Member, Employee, or Student, 423: Employee-Student Relations, 519: Interviews of Students by Outside Agencies, and 532: Use of Peace Officers and Crisis Teams to Remove Students with IEPs From School Grounds	36
B. New Business	60
1. Approve the Swing for the Fences Memorandum of Understanding Speaker(s): Dr. Theresa Battle, Superintendent	64
2. Approve Premiums and Rates for Employee Benefits Speaker(s): Stacey Sovine, Executive Director of Human Resources	68
3. Adopt a Resolution Relating to the Termination of Teaching Contracts for Named Long-Term Substitute Teachers Effective at the Close of the 2021-2022 School Year Speaker(s): Stacey Sovine, Executive Director of Human Resources	69
4. Adopt a Resolution Relating to the Termination and Nonrenewal of that Portion of Teaching Contracts in Excess of 1.0 and/or Beyond Contractual Rights at the Conclusion of the 2021-2022 School Year Speaker(s): Stacey Sovine, Executive Director of Human Resources	71
5. Adopt a Resolution Relating to the Termination and Nonrenewal of the Teaching Contracts of Probationary Certified Personnel at the Close of the 2021-2022 School Year Speaker(s): Stacey Sovine, Executive Director of Human Resources	73
6. Adopt the Resolution Proposing to Place Continuing Contract Teachers on Unrequested Leave of Absence Effective at the Conclusion of the 2021-2022 School Year Speaker(s): Stacey Sovine, Executive Director of Human Resources	75
7. Approve, on a First Reading Basis, Changes to Policy 414: Mandated Reporting of Child Neglect or Physical or Sexual Abuse Speaker(s): Stacey Sovine, Executive Director of Human Resources	77
8. Approve, on a First Reading Basis, New Policy 535: <i>Service Animals in Schools</i> and Changes to Policy 799: <i>Animals in the Schools</i> Speaker(s): Brian Gersich, Assistant Superintendent	87

V. Adjourn



**Agenda III.A.
April 14, 2022**

To: Board of Education

From: Dr. Theresa Battle, superintendent and Jason Sellars, director of community education

Date: April 8, 2022

Re: Report about Updated FY23 Budget

Receive a report about Updated FY23 Budget from Dr. Theresa Battle, superintendent, Jason Sellars, director of community education.

FY23 Budget⁴ Update

**Presenters: Dr. Theresa Battle,
Superintendent, and
Jason Sellars, Director of
Community Education**

April 14, 2022



Overview

- » Recap of Scenario 2 for General Fund Revenues and Expenditures
- » State Funding Update
- » Next Steps

Updated Recommended Scenario (2)

Application of rightsizing, preliminary adjustments, measured use of federal funds(FY23 50%, FY24 50%), and fund balance strategies



Recommended Scenario 2	Projected 2022-2023
Total Beginning Fund Balance	\$ 29,371,899
Revenues	124,669,975
Use of 50% of ESSER III 80% relief funds	3,400,000
Expenditures	<u>129,914,975</u>
Variance (Revenues-Expenditures)	<u>(1,845,000)</u>
Total Ending Fund Balance	<u>\$ 27,526,899</u>
Rightsizing	(3,007,591)
Preliminary Adjustments	(1,965,860)
Use of Federal Funds	(3,400,000)
Anticipated Unassigned Fund Balance	14.11%

Initial Budget Adjustments

[Link to PDF of Initial DRAFT Budget Adjustments with %](#)

[Link to ISD 191 Budget Units \(BU\) Revised FY22 Budget](#)

DRAFT- Finalizing the viability of a few departments proposals - still in process as of 4/7/22.



Adjustment Category and Item Description/ Department	F.T.E.	Budget Unit	Budget Adjustment	Account Code	Rationale and Implications
1. Right size enrollment (Maintaining class size)			\$ (3,007,591)		
1.1 Instructional & Support Staffing (including general classroom and compensatory)	(22.50)	Multiple	\$ (2,475,000)	Various	Projected 217 fewer students for fall 2022, maintains class size and adjusts for loss of compensatory
1.2 Special Education Licensed Staff	(2.50)	BU 09010	\$ (254,000)	Various	Fewer students are expected allowing for reduction of licensed staff
1.3 Special Education Non-Licensed Staff	(4.00)	BU 09010	\$ (220,000)	Various	Fewer students are expected allowing for reduction of non-licensed staff
1.4 Building discretionary allocations (per pupil, capital, co-curricular)	N/A	BU 08010	\$ (58,591)	Various, BU 08010	Less dollars allocated to buildings as a result of declining enrollment. Dollars per student remains unchanged, but because we projecting less students, then the buildings have less money in their allocations.
2. Prioritizing PreK-12 Pathways		BU 15010, 15020, 12010, 10200, 12040, 13020	\$ -	Various	Continue funding at current levels: 1) Advanced Learning: elementary advanced learning specialists, middle school embedded honors, high school college credit bearing courses 2) STEM: elementary math curriculum adoption, coding for all elementary students, middle school science curriculum adoption, middle school Project Lead The Way 3) Fine Arts: grade 9 instrumental music, fine arts curriculum development 4) College and Career Readiness: 6-12, college/career planning system, high school Pathways industry certification courses
3. Preliminary Adjustments			\$ (1,965,866)		
3.1 Marketing & Communications Consulting	N/A	BU 16060	\$ (28,000)	01 E 005 130 000 303 000	Less needed because of foundational work completed over previous two years.
3.2 Human Resources	N/A	BU 16040	\$ (28,825)	01 E 005 160 000 xxx 000	Less planned expenses for legal, dues & memberships, wellness, advertising (no college recruiting as planned)
3.3 Welcome Center/Student Registration	N/A	BU 16070	\$ (5,000)	01 E 200 180 000 311 000	Less subs needed for fall enrollment FY23 only, will be needed in future years.
3.4 Superintendent	N/A	BU 16020	\$ (61,866)	01 E 005 020 000 355490 000, 01 E 005 020 302 650 000	Reduce consultant fees, food and capital
3.5 Workers Comp and Property Insurance	N/A	BU 16041	\$ (40,000)	01 E 005 810400 000 270 000	Reduce workers comp budget reflecting anticipated needs
3.6 Business Office	N/A	BU 16050	\$ (3,000)	01 E 005 110 405 000	Reduction to supply license available budget
3.7 Voluntary Pre Kindergarten	N/A	BU 17010	\$ (10,000)	01 E 005 200 000 451 000	Reduction in Supply budget
3.8 Special Education	N/A	BU 09030	\$ (300,000)	01 E 005 400 000 308520 034	Construction Costs
3.9 Facilities	N/A	BU 19040	\$ (120,000)	01 E 005 020 000 955620 020	Reduce capital projects budget from \$200K to \$80K
3.10 Athletics	N/A	BU 11020	\$ (76,100)	01 E 014 200 000 187188 315	Co-op Sports: Accounts are estimates for Boys and Girls Lacrosse and Boys as well as Boys and Girls Hockey, exploring costs due to participation numbers, not inflated based on budget needs)
3.11 Operations	N/A	BU 19010	\$ (118,800)	Various codes under 19010-Custodial	Reduce consulting, phone service, supplies and equipment budgets
3.12 Operations	N/A	BU 19020	\$ (59,627)	Various codes under 19020 - Buildings & Maintenance	Reduce repairs, maintenance and supplies budgets
3.13 Operations	N/A	BU 19060	\$ (72,240)	Various codes under 19060 - Utilities	Reduce utilities budget that currently exist and is not needed moving forward given the sale of the building or modified use of the vacant buildings
3.14 Finance	(1.00)	BU 16050	\$ (60,820)	Various codes with course 111	Limit travel/conferences, reduce consulting fees for services no longer needed, trim supplies budget Reduce 1 FTE Clerical position with duties absorbed within the department. Due to authority, the impact may include other departments
3.15 Middle School End Times	N/A	BU 09030	\$ (25,000)	Various	Adjust end of school day at MS, savings in EA time and supervision
3.16 Principals	(2.00)	BU 17010, 17021	\$ (387,000)	Various	Principal vacancies will not be filled, reduction will result in elimination of principal on special assignment.
3.17 Realignment of district-wide positions	(1.00)	BU 16040	\$ (116,000)	01 E 200 792 000 144 000	Data and Assessment Coordinator vacancy remains unfilled. State required assessment and data reporting duties reassigned.
3.18 Middle School Sports and Activities	Various at all positions	BU 11021	\$ (243,000)	Various	Reallocate sports and activities at MS: Reallocate Cross Country, Soccer, Basketball, Track, Tennis, Explore, Badminton, Volleyball and offer Jazz Band, Quiz bowl and National Junior Honor Society
3.19 Metcalf moving costs to move outcell remaining equipment		BU 19040	\$ 20,000		We had lowered the \$200,000 budget down to \$80,000 for both consulting/legal and the moving costs. Anticipating a move out at MMS is necessary, we expect to need additional moving budget.
3.20 Metcalf utilities, snow removal, maintenance, custodial and supplies		Various	\$ (64,083)		Annual savings estimate of \$128,165, adjusted for 1/2 a year
3.21 Change in expenditure assumptions		Various	\$ (650,000)		Since the beginning of our process, assumptions for some expenditures have shifted
3.22 Insurance reduction		BU 16041	\$ (12,700)		
3.23 Technology Clerical in Tech Levy	1.00	BU 14020	\$ 75,000		Increase in clerical position requested
3.24 Technology reduction to equipment to allow for cost of clerical		BU 14020	\$ (75,000)		Offsetting reduction to afford the clerical position
3.25 Increase to allow for possible capital projects levy survey		BU16010	\$ 10,000		Given the November 22 election will be managed by the counties, costs are anticipated to be less by \$5,000 while an increase of \$15,000 is anticipated for purposes of a spring 2023 survey for November 2023 election if we hold a question to renew our capital projects levy (tech levy)
4. Maximizing Federal Funding			\$ (3,400,000)		
4.1 Use ESSER III 80% funds for current positions for the FY 23 year			\$ (3,400,000)		
			\$ (8,373,451)		Grand Total Savings General Fund

Rightsizing

	Adjustment Category and Item Description/ Department	F.T.E.	Budget Unit	Budget Adjustment	Account Code	Rationale and Implications	% of Base BU/ category
	1. Right size enrollment (Maintaining class size)			\$ (3,007,591)			
1.1	Instructional & Support Staffing (including general classroom and compensatory)	(22.50)	Multiple	\$ (2,475,000)	Various	Projected 217 fewer students for fall 2022, maintains class size and adjusts for loss of compensatory	-5.70%
1.2	Special Education Licensed Staff	(2.50)	BU 09010	\$ (254,000)	Various	Fewer students are expected allowing for reduction of licensed staff	
1.3	Special Education Non-Licensed Staff	(4.00)	BU 09010	\$ (220,000)	Various	Fewer students are expected allowing for reduction of non-licensed staff	-1.89%
1.4	Building discretionary allocations (per pupil, capital, co-curricular)	N/A	BU 08010	\$ (58,591)	Various, BU 08010	Less dollars allocated to buildings as a result of declining enrollment. Dollars per student remained unchanged, but because we're projecting less students, then the buildings have less money in their allocations.	-8.72%

Prioritizing Pathways

2.1	2. Prioritizing PreK-12 Pathways		BU 15010, 15020, 12010, 12020, 12040,13020	\$0.00	Various	Continue funding at current levels: 1) Advanced Learning: elementary advanced learning specialists, middle school embedded honors, high school college credit bearing courses 2) STEM: elementary math curriculum adoption, coding for all elementary students, middle school science curriculum adoption, middle school Project Lead the Way 3) Fine Arts: grade 5 instrumental music, fine arts curriculum development 4) College and Career Readiness: 6-12 college/career planning system, high school Pathways industry certification courses	0.00%
	Continue funding at current levels						



Initial Budget Adjustments

	Adjustment Category and Item Description/ Department	F.T.E.	Budget Unit	Budget Adjustment	Account Code	Rationale and Implications	% of Base BU/ category
	3. Preliminary Adjustments			\$ (1,965,860)			
3.1	Marketing & Communications Consulting	N/A	BU 16060	\$ (28,000)	01 E 005 130 000 305 000	Less needed because of foundational work completed over previous two years.	-5.18%
3.2	Human Resources	N/A	BU 16040	\$ (28,825)	01 E 005 160 000 xxx 000	Less planned expenses for legal, dues & memberships, wellness, advertising (no college recruiting as planned)	-3.84%
3.3	Welcome Center/Student Registration	N/A	BU 16070	\$ (5,000)	01 E 200 180 000 311 000	Less subs needed for fall enrollment FY23 only, will be needed in future years	-1.32%
3.4	Superintendent	N/A	BU 16020	\$ (61,665)	01 E 005 020 000 305/490 000; 01 E 005 020 302 500 000	Reduce consultant fees, food and capital	-12.82%
3.5	Workers Comp and Property Insurance	N/A	BU 16041	\$ (40,000)	01 E 005 810/400 000 270 000	Reduce workers comp budget reflecting anticipated needs	-4.12%
3.6	Business Office	N/A	BU 16050	\$ (3,000)	01 E 005 110 405 000	Reduction to software license available budget	-0.24%
3.7	Voluntary Pre Kindergarten	N/A	BU 17010	\$ (10,000)	01 E 005 200 000 401 000	Reduction in Supply budget	-24.57%
3.8	Special Education	N/A	BU 09030	\$ (300,000)	01 E 005 400 000 305/520 034	Construction Costs	-14.92%
3.9	Facilities	N/A	BU 19040	\$ (120,000)	01 E 005 020 000 305/520 020	Reduce open facilities budget from \$200K to \$80K	-22.86%
3.10	Athletics	N/A	BU 11020	\$ (76,100)	01 E 014 296 000 187/188 315	Co-op Sports (Amounts are estimates for Boys and Girls Lacrosse and Boys as well as Boys and Girls Hockey, exploring coops due to participation numbers, not initiated based on budget needs)	-5.53%
3.11	Operations	N/A	BU 19010	\$ (118,800)	Various codes under 19010 - Custodial	Reduce consulting, phone service, supplies and equipment budgets	-2.06%
3.12	Operations	N/A	BU 19020	\$ (59,627)	Various codes under 19020 - Grounds & Maintenance	Reduce repairs, maintenance and supplies budgets	-4.26%

Initial Budget Adjustments

	Adjustment Category and Item Description/ Department	F.T.E.	Budget Unit	Budget Adjustment	Account Code	Rationale and Implications	% of Base BU/ category
3.13	Operations	N/A	BU 19060	\$ (72,240)	Various codes under 19060 - Utilities	Reduce utilities budget that currently exist and is not needed moving forward given the sale of the building or modified use of the vacant buildings	-3.71%
3.14	Finance	(1.00)	BU 16050	\$ (60,820)	Various codes with course 111	Limit travel/conferences, reduce consulting fees for services no longer needed, trim supplies budget Reduce 1 FTE Clerical position with duties absorbed within the department. Due to seniority, the impact may include other departments	-4.85%
3.15	Middle School End Times	N/A	BU 09030	\$ (25,000)	Various	Adjust end of school day at MS, savings in EA time and supervision	-1.24%
3.16	Principals	(2.00)	BU 17011, 17021	\$ (387,000)	Various	Principal vacancies will not be filled, reduction will result in elimination of principals on special assignment.	-10.61%
3.17	Realignment of district-wide positions	(1.00)	BU 15040	\$ (116,000)	01 E 200 792 000 144 000	Data and Assessment Coordinator vacancy remains unfilled. State required assessment and data reporting duties reassigned.	-41.52%
3.18	Middle School Sports and Activities Stipend positions	Various	BU 11021	\$ 243,000	Various	Reinstate sports and activities at MS: Reinstate Cross Country, Soccer, Basketball, Track, Tennis. Explore: Badminton, Volleyball and offer Jazz band, Quiz bowl and National Junior Honor Society	14.28%

Initial Budget Adjustments Additions since 3/10/22

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	Adjustment Category and Item Description/ Department	F.T.E.	Budget Unit	Budget Adjustment	Account Code	Rationale and Implications	% of Base BU/ category
3.19	Metcalfe moving costs to move out/sell remaining equipment		BU 19040	\$ 20,000	01 E 005 850 302 305 020	We had lowered the \$200,000 budget down to \$80,000 for both consulting/legal and the moving costs. Anticipating a move out at MMS is necessary, we expect to need additional moving budget.	3.81%
3.20	Metcalfe utilities, snow removal, maintenance, custodial and supplies		BU19020, BU19060	\$ (64,083)	Various	Annual savings estimate of \$128,165; adjusted for 1/2 a year	-1.92%
3.21	Change in expenditure assumptions		Various	\$ (650,000)	Various	Since the beginning of our process, assumptions for some expenditures have shifted	-2.74%
3.22	Insurance reduction		BU 16041	\$ (12,700)	01 E 005 940 000 341 000	With the removal of Metcalfe Middle School from our property valuation, we could expect a future reduction in the premium for property casualty insurance	-5.41%
3.23	Technology Clerical in Tech Levy	1.00	BU 14020	\$ 75,000	to be created	Increase in clerical position requested	1.85%
3.24	Technology reduction to equipment to allow for cost of clerical		BU 14020	\$ (75,000)	various	Offsetting reduction to afford the clerical position	-1.85%
3.25	Increase to allow for possible capital projects levy survey		BU16010	\$ 10,000	01 E 005 199 000 305 170	Given the November 22 election will be managed by the counties, costs are anticipated to be less by \$5,000 while an increase of \$15,000 is anticipated for purposes of a spring 2023 survey for November 2023 election if we hold a question to renew our capital projects levy (tech levy)	8.12%

Additional State Funding for Summer 2022

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- State Expanded Summer (FIN 163) required a new application for approval through SERVS
- ISD 191 submitted a request for \$1.9 Million.
- MDE approved our application for the amount of \$1,545,163.40.
- We are continuing to assess our current and future plans for summer and after school programming aligned to these funds.

Additional State Funding for Summer 2022

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- MDE has notified us that ISD 191 has been allocated an additional Summer Preschool Funding allocation (FIN 165) of \$148,000 to operate summer 2022 programming.
- Used to serve children who were 4 or 5 years old by September 1, 2021.
- Funds must be used by August 31, 2022.
- Our program has the flexibility to design and serve as many children as is feasible with the funding amount.

Thank You



**Agenda III.B.
April 14, 2022**

To: Board of Education

From: Dr. Theresa Battle, superintendent, Dr. Angie Pohl, Nicollet Middle School principal and Mohamed Selim, Eagle Ridge Middle School principal

Date: April 7, 2022

Re: Report about Middle School End Times

Receive a report about Middle School End Times.

Middle School Change of¹⁷ End Times

**Presenters: Dr. Theresa Battle,
Superintendent
Dr. Angie Pohl
Principal, Nicollet Middle School
Mohamed Selim
Principal, Eagle Ridge Middle School**

April 14, 2022

one91
Burnsville · Eagan · Savage

Overview

- » Recommendation
- » History
- » Implications for recommended change
- » Next Steps

Recommendation

Adjust the schedule for ISD 191 middle schools altering the school day end time to 2:30 pm.

- Currently end time is 2:50 pm
- Will maintain middle school teams, grade level meetings, and School within a School (SWAS) funding for reading, math, and Social-Emotional Learning support)
- Adjustment aligns to middle school (4) Block Schedule that replaced the 8 period plus advisory day established in fall of 2016

Past Board action

January 28, 2016 Board approved 2016-2017 start and end times for schools

- “Middle School days will be longer (about 20 minutes) than they are now to accommodate increased learning through the 8-period day.”
- Times for middle school became 7:47 am - 2:47 pm



Implications for Students and Families.

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Allows staff more time to meet needs of students and families:

- Family meetings
- Phone communication
- After school homework help



Allows students to participate in high school activities more fully

- Arrive at practice at the start of practice rather than 25-30 minutes after practice has begun
- Prevents students from leaving school early for games/competition



Implications for Staff

Allows for more due process time and IEP (Individualized Education Program) meeting time for special education teachers

Teacher instructional minutes for middle school (370) are equal to those of elementary (370) and more aligned to high school (364)

Increased Professional Development (PD) time, full staff meetings and collaboration time for staff

- Schoolwide professional development and community building
- Vertical alignment for content areas across grade levels
- Core content and elective teachers can meet together

Implications - Staffing

<p>EA (Educational Assistants) contract goes from 7.5 hours to 7.25 hours. Currently 7:30 am-3:00 pm; will be 7:20am-2:35pm</p>	<p>26 Middle School Level IV EAs - Average \$20.35/hour; Cost savings of about \$147/day; \$25,000 per year</p>
<p>1 less lunch supervisor (.065 of a teacher's salary)</p>	<p>\$6,500/building for a total savings of approximately \$13,000 per year</p>
<p>Total amount saved</p>	<p>\$38,000</p>



Comparison of Schedules

Time/Minutes	Current Schedule	Proposed Schedule
Start Time	7:50 AM	7:50 AM
End Time	2:50 PM	2:30 PM
Instructional Minutes	390	370
Advisory Minutes	20	22
Core Class Minutes	90	84
SWAS Minutes	Math WIN - 45 ELA WIN - 45 R180/ELL - 90 Advisory - 20	Math WIN - 42 ELA WIN - 42 R180/ELL - 84 Advisory - 22
Electives/Exploratory Minutes	43	40
After school minutes for PD and family communication	20 minutes daily	40 minutes daily
Teacher Duty Day	7:20 - 3:20	7:20 - 3:20

Next Steps

- Board action for recommendation at future meeting as New Business item
 - If Board approves notification to families and staff
 - If Board does not approve then schedule and end times remain unchanged

Thank You



**Agenda III.C.
April 14, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Zoe Olson, student representative to the school board

Date: April 7, 2022

Re: Student Representative Report

Receive a report from Zoe Olson, student representative.



**Agenda III.D.
April 14, 2022**

To: Board of Education
From: Dr. Theresa Battle, superintendent
Date: April 7, 2022
Re: Superintendent Report

Receive a report from Dr. Theresa Battle, superintendent.



**Agenda III.E.
April 14, 2022**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Lesley Chester, board chair

Date: April 7, 2022

Re: Board Member Reports

Receive reports from board members.

School Board Minutes
 INDEPENDENT SCHOOL DISTRICT 191
 March 24, 2022

<p>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.</p>	Call to Order
<p>Directors Alt, Conner, Hume, Miller, Said, Werb and Chair Chester were present. Superintendent Battle, administrators, staff and members of the public were also present.</p>	Attendance
<p>Chair Chester welcomed the public and asked Alt to lead the Pledge of Allegiance.</p>	Welcome and Pledge
<p>Moved by Werb, seconded by Miller, to approve the agenda. The motion carried unanimously (7, 0).</p>	Agenda
<p>Received a report from the Student Performance and Achievement Committee: World's Best Workforce (WBWF) Graduation and College & Career Readiness.</p>	SPA Committee
<p>Received a report about PK-12 Pathways Update from Imina Oftedahl, director of curriculum, instruction and assessment, and Dr. Kathy Funston, director of strategic partnerships and pathways.</p>	Reports
<p>Received a report about the Updated FY23 Budget from Dr. Theresa Battle, superintendent, Lisa Rider, executive director of business services, and Aaron Tinklenberg, director of communications.</p>	
<p>Received reports from Conner on behalf of the Policy Review Committee and AMSD, Hume on behalf of the Legislative Committee, and Chester reported about ISD 917.</p>	
<p>Moved by Alt, seconded by Said, to approve the consent agenda. -Approve minutes of the March 10, 2022, regular and closed session meetings.</p>	Consent Agenda Minutes
<p>-Approve personnel recommendations for Paula Arthur, Kristin Hollingsworth, Jacquelyn Parkinson, Molly Romano, Kim Durand, Loralie Van Der Woude, Teresa Ostdiek, Bradley Schiller, Dylan Ellingboe, Elizabeth Hanson, Margaret Challgren, Paul Nesseth, Shams Moalim, Tommie Gaston, Jeffrey Andrews, and Jeffrey Andrews.</p>	Personnel
<p>-Adopt a resolution to approve and accept donations as presented. -Approve January payroll checks in the net amount of \$4,019,770.19. January claims to date, wire transfers and adjustments totaling \$27,290,920.63. Also, that the Board accepts January receipts of \$13,251,413.06 and investments for the General Fund, 2015A School Building Bonds, and OPEB of \$57,694,524.08 as of January 31, 2022.</p>	Donations Checks, claims, receipts, and investments

-Accept the Budget Analysis for the month ending January 31, 2021.
 -Receive a report about the Listening Session on March 10, 2022.
 -Approve, on a second reading basis, a non-substantive change to Policy 608: Instructional Services - Special Education.
 -Approve, on a second reading basis, changes to Policies 419: Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping; Awareness and Prevention Instruction, 425: Professional Development, and 607: Organization of Grade Levels.
 -Approve a cooperative sponsorship in Adapted Softball PI Division with Dakota United beginning in the spring of 2022
 The motion carried unanimously (7, 0).

Budget analysis
 Listening Session
 Policies

Cooperative
 Sponsorship

Moved by Hume, seconded by Werb, to approve the contract for Chromebook purchase and related licenses and service to CDW-G.
 The motion carried unanimously (7, 0).

CDW-G

Moved by Conner, seconded by Hume, to adjourn to a workshop at 8:33 p.m. The purpose of the workshop was Baseball Boosters Proposal Recommendation, Annual Insurance Premiums, and FY23 Budget.
 The motion carried unanimously (7, 0).

Adjourn to a
 workshop

The workshop began at 8:43 p.m. and ended at 11:08 p.m.

Workshop

April 14, 2022

Abigail Alt, clerk

Date approved

April 14th, 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: April 14th, 2022 Final

RE: Recommended Personnel Changes

CLASSIFICATION	ACTION	POSITION CONTROL	NAME	FINAL	LOCATION	POSITION	EFFECTIVE DATE
Certified	Appointment		Haley Warren		Vista View Elementary School	LTS Teacher	4/27/2022
Certified	Change of Assignment		Danae Heckman		Edward Neill Elementary	Teacher	2022-2023 School Year
Certified	Change of Assignment		Landen Parkin		Burnsville High School	Teacher	2022-2023 School Year
Certified	Change of Assignment		Sandra Holman		Nicollet Middle School	Teacher	2022-2023 School Year
Certified	Leave of Absence		Amanda Lutz		District-wide	Teacher	2022-2023 School Year
Certified	Leave of Absence		Amber Barry		Burnsville High School	Teacher	2022-2023 School Year
Certified	Leave of Absence		Andrea Danner		Harriet Bishop Elementary	Teacher	2022-2023 School Year
Certified	Leave of Absence		Brianna Meisner		WM. Byrne Elementary School	Teacher	5/6/2022-6/10/2022
Certified	Leave of Absence		Dana Cloutier		ECSE Center	Teacher	2022-2023 School Year
Certified	Leave of Absence		Dawn Hoins		Rahn Elementary School	Teacher	2022-2023 School Year
Certified	Leave of Absence		Holly Petersen		ECSE Center	Teacher	2022-2023 School Year
Certified	Leave of Absence		Jill Miller		Virtual Academy	Teacher	2022-2023 School Year
Certified	Leave of Absence		Julia Ulrich		Hidden Valley Elementary	Teacher	2022-2023 School Year
Certified	Leave of Absence		Kerianne Green		Vista View Elementary School	Teacher	2022-2023 School Year
Certified	Leave of Absence		Kerianne Green		Vista View Elementary School	Teacher	6/1/2022-6/10/2022
Certified	Leave of Absence		Lindsay Richter		Hidden Valley Elementary	Teacher	2022-2023 School Year
Certified	Leave of Absence		Lisa Reid		District-wide	Teacher	2022-2023 School Year
Certified	Leave of Absence		Melissa Persons		Burnsville High School	Teacher	2022-2023 School Year
Certified	Leave of Absence		Morgan McDowell		WM. Byrne Elementary School	Teacher	2022-2023 School Year
Certified	Leave of Absence		Tasia Islam		Nicollet Middle School	Teacher	2022-2023 School Year
Certified	Resignation		Kristen Wagner		Sky Oaks Elementary School	Teacher	6/10/2022
Certified	Resignation		Shannon Hart		Sky Oaks Elementary School	Psychologist	3/25/2022
Classified	Appointment		Airiana Johanns		Burnsville High School	Assistant Food Service Manager	4/4/2022
Classified	Appointment		Braylon Lane		Hidden Valley Elementary	Educational Assistant Level 2	10/6/2021
Classified	Appointment		Braylon Lane		Hidden Valley Elementary	Educational Assistant Level 3	1/21/2022
Classified	Appointment		Cassi O'Meara		District-wide	Food Services Coordinator	5/4/2022
Classified	Appointment		Daniel Hartman		Nicollet Middle School	Educational Assistant Level 4	4/11/2022
Classified	Appointment		Mark Hubbard		Burnsville High School	Musical Producer Assistant	Spring Season
Classified	Appointment		Matthew Steichen		Diamondhead Education Center	Communications Coordinator	4/5/2022
Classified	Appointment		Penelope Parsons-Lord		Burnsville High School	Spring Musical Assistant Director	Spring Season
Classified	Appointment		Riley Dillon		Hidden Valley Elementary	RN Nurse	4/18/2022
Classified	Appointment		Tommie Gaston		Burnsville High School	Peer Support/Helper	Year Round Stipend
Classified	Change of Assignment		Jolene Kump		Gideon Pond Elementary	Educational Assistant Level 2	2022-2023 School Year
Classified	Change of Assignment		Thao Vo		Eagle Ridge Middle School	Food Service Associate	4/4/2022
Classified	Resignation		Derek Mills		WM. Byrne Elementary School	Custodian	4/22/2022
Classified	Resignation		Isaiah Davis		Sky Oaks Elementary School	CE Program Assistant	6/9/2022
Classified	Resignation		Julie Day		Diamondhead Education Center	Admin Assistant	4/15/2022
Classified	Resignation		Paul Nesseth		Nicollet Middle School	Educational Assistant Level 3	6/9/2022
Classified	Resignation		Rachel Schatzlein		Hidden Valley Elementary	Educational Assistant Level 2	6/9/2022
Classified	Resignation		Stephen Beaulieu		Burnsville High School	Hockey Head Coach	Winter Season
Classified	Retirement		Jane Wittenkeller		Edward Neill Elementary	LPN Nurse	6/10/2022
Classified	Retirement		Lori Haggerty		Diamondhead Education Center	CE Coordinator II	6/10/2022
Classified	Retirement		Margaret Kaufman		Nicollet Middle School	Educational Assistant Level 4	6/9/2022



**Agenda IV.A.3.
April 14, 2022**

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

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

Date: April 6, 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 April 14, 2022.

Clerk – Board of Education

Date	Donor	Recipient	Terms	Donation
3/17/2022	Anonymous	Food & Nutrition Services	Cash (monetary)	\$132.60
3/22/2022	Sharlea Franklin	Vista View Elementary	In-Kind (goods or services)	Misc art supplies
3/22/2022	Sheryl and Michael Burkhardt	BrainPower in a BackPack	Cash (monetary)	\$600.00
3/24/2022	Burnsville Rotary Foundation	BrainPower in a BackPack	Cash (monetary)	\$10,000.00
3/25/2022	Anthony Maggio	BrainPower in a BackPack	Cash (monetary)	\$50.00
4/5/2022	Students & families of Gideon Pond	Gideon Pond Elementary	Cash (monetary)	\$1,724.00

Total monetary donation received: \$12,506.60



**Agenda IV.A.4.
April 14, 2022**

To: Board of Education

From: Dr. Theresa Battle, superintendent

Date: April 6, 2022

Re: Receive a Report about the Listening Session

Recommendation: Receive a report about the Listening Session on March 24, 2022.

March 24, 2022 Listening Session

No one spoke at the listening session.

**Agenda IV.A.5.
April 14, 2022**

To: Board of Education

From: Dr. Theresa Battle, superintendent, Stacey Sovine, executive director of human resources, and Brian Gersich, assistant superintendent

Date: April 6, 2022

Re: Policies 206: *Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations*, 211: *Criminal or Civil Action Against School District, School Board Member, Employee, or Student*, 423: *Employee-Student Relations*, 519: *Interviews of Students by Outside Agencies*, and 532: *Use of Peace Officers and Crisis Teams to Remove Students with IEPs From School Grounds*

Recommendation: Approve, on a first reading basis, non-substantive changes to Policies 206: *Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations*, 211: *Criminal or Civil Action Against School District, School Board Member, Employee, or Student*, 423: *Employee-Student Relations*, 519: *Interviews of Students by Outside Agencies*, and 532: *Use of Peace Officers and Crisis Teams to Remove Students with IEPs From School Grounds*.

The policies were reviewed by the Policy Review Committee on March 22, 2022.

Summary of changes:

- 206, 211, 423, 519 and 532- MSBA: The Minnesota Legislature reorganized the Maltreatment of Minors Act by moving it from a criminal law chapter (Ch. 626) to a public health chapter (Ch. 260E). This policy has been updated to reflect that change.
- 532 – The Policy Review Committee asked that we reorder Section IV so that “Parent Notification” is letter “C” and “Reasonable Force Permitted” is letter “D”.

Adopted: 11/2003
 Reviewed: ~~12/9/2021~~4/14/2022
 Revised: 1/13/2022 MSBA 2022
 Rescinds: BDDH

Burnsville-Eagan-Savage School District Policy 206

206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS

I. PURPOSE

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school board is to encourage input and feedback by the public of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.
- C. The Board may hold public meetings where the public will not be invited to address the school board including regular business meetings, work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not necessarily be allotted time during the meeting to address the board.

III. DEFINITIONS

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of

employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 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 public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used 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.

- C. Personnel data on current and former applicants for employment that is "public" includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

- D. "Educational data" means data maintained by the school district which relates to a student.
- E. "Student" means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.
- F. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either

a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. 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.

- G. “Public Comment Participants” means individuals who meet one or more of the following categories will seek to address the school board during the public comment period:
1. District student
 2. Parent or guardian of a district student
 3. District resident
 4. District tax-payer
 5. District staff person

IV. RIGHTS TO PRIVACY

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
 3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
 4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
 2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);

3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

- A. The school board will strive to give all members of the public of the school district an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).
- B. The school board provides three opportunities for public input:

1. Board Listening Sessions

The school board may schedule a listening session prior to a regularly scheduled school board meeting during which time the public may make comments directly to the designated school board members or superintendent that deal with any topic related to the board's conduct of the schools. The school board, however, will not act at that day's/evening's regular meeting on any issue presented during the school board listening sessions if that issue was not previously published as an agenda item. A report summarizing the listening session will be given and distributed to board members via the consent agenda at a future meeting.

2. Public Hearings

Public hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. § 123B.51), truth in taxation (Minn. Stat. § 375.065) education district establishment (Minn. Stat. § 123A.15), and agreements for secondary education (Minn. Stat. § 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the discretion of the school board.

3. Public Forums

The school board may schedule an open forum to create a venue in which the public can gather to become informed about a specific issue, ask questions, offer input, and/or engage in a public conversation.

VI. LISTENING SESSION PROTOCOL

- A. Agenda Items

1. Members of the public who wish to present on a subject discussed at a public school board listening session are encouraged to notify the

superintendent's office in advance of the listening session. Each speaker should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed.

2. At the start, or in advance (by notifying the district office at 952-707-2005), of the listening session, any person wishing to speak will complete and submit a card with their name, address, name of group representing, if any, and topic.
3. The facilitating board member will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers who have completed a card in section VI.A.2. of this policy shall be recognized to speak by the facilitating board member. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
4. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
5. Matters proposed for presentation at a listening session which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
6. The facilitating board member shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
8. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.

2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The school district is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)
Minn. Stat. § 13D.05 (~~Meetings Having Data Classified as Public~~) (~~Open Meeting Law~~)
Minn. Stat. § 121A.47, Subd. 5 (~~Exclusion and Expulsion Procedures; Closed or Open Meeting~~) (~~Student Dismissal Hearing~~)
Minn. Stat. § 122A.33, Subd. 3 (~~License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond~~) (~~Coaches; Opportunity to Respond~~)
Minn. Stat. § 122A.40, Subd. 14 (~~Employment; Contracts; Termination; Hearing Procedures~~) (~~Teacher Discharge Hearing~~)
Minn. Stat. § 122A.44 (Contracting with Teachers; ~~Substitute Teachers~~)
Minn. Stat. § 123B.02, Subd. 14 (~~General Powers of Independent School Districts~~; Employees; Contracts for Services)

Minn. Stat. § 123B.143, Subd. 2 (~~Superintendents~~; Disclose Past Buyouts or Contract is Void)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. ~~Ch. 260E, § 626.556~~ (Reporting of Maltreatment of Minors)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Minn. Op. Atty. Gen. 852 (July 14, 2006)

Cross References: Burnsville-Eagan-Savage School District Policy 103 (Complaints-Students, Employees, Parents, Other Persons/
Burnsville-Eagan-Savage School District Policy 205 (Open Meetings and Closed Meetings)
Burnsville-Eagan-Savage School District Policy 207 (Public Hearings)
Burnsville-Eagan-Savage School District Policy 406 (Public and Private Personnel Data)
Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)
Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)
MSBA ~~Service Manual, Chapter 13,~~ School Law Bulletin “C” (Minnesota’s Open Meeting Law)
MSBA ~~Service Manual, Chapter 13,~~ School Law Bulletin “T” (School Records – Privacy – Access to Data)
Board Listening Session Guidelines
Registration Card

Adopted: 8/1990

Burnsville-Eagan-Savage School District Policy 211

Reviewed: ~~12/12/2019~~4/14/2022

Revised: 5/28/2015 MSBA 2022

Rescinds: BCG

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. CIVIL ACTIONS

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

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

C. Data Practices

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

D. Service of Subpoenas

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

E. Leave to Testify

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

IV. **CRIMINAL CHARGES OR CONDUCT**

A. Employees

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

to school district policies, statutes, and provisions of applicable collective bargaining agreements.

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

B. Students

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

C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless ~~there are~~ extenuating circumstances exist ~~or~~ the matter being investigated is school-related, or as otherwise provided by law.
2. If ~~such~~ questioning at school is unavoidable, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (~~Minnesota Statutes, Section § 260E.22 626.556, Subd. 10~~), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

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

V. STATEMENTS WHEN LITIGATION IS PENDING

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
 Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel, Reimbursement)
 Minn. Stat. § 123B.25(b) (Legal Actions Against Districts and Teachers)
Minn. Stat. § 260E.22 (Interviews)
 Minn. Stat. § 466.07, Subd. 1 (Indemnification)
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
 42 U.S.C. § 1983 (Civil Action for ~~Depriving~~ Deprivation of Rights)
 Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)
 Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)
Dypress v. School Committee of Boston, 446 N.E.2d 1099 (Mass. App. Ct. 1983)
Wood v. Strickland, 420 U.S. 308, ~~95 S.Ct. 992~~, ~~43 L.Ed.2d 214~~ (1975)

Cross References: Burnsville-Eagan-Savage School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 Burnsville-Eagan-Savage School District Policy 406 (Public and Private Personnel Data)
 Burnsville-Eagan-Savage School District Policy 408 (Subpoena of a School District Employee)
 Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)
 Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
 Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)

Adopted: 4/2001
Reviewed: ~~3/12/2020~~4/14/2022
Revised: 12/13/2018 MSBA 2022
Rescinds: GBEAB, 423-R

Burnsville-Eagan-Savage School District Policy 423

423 EMPLOYEE-STUDENT RELATIONSHIPS

I. PURPOSE

The purpose of this policy is to establish and clarify school district standards and expectations regarding employee-student relationships. The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

II. GENERAL STATEMENT OF POLICY

- A. This policy applies to all school district employees at all times, whether on or off duty, and while on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of the school district and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
 - 1. Dating students.
 - 2. Having any interaction/activity of a sexual nature with a student.
 - 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.

4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships. Such safeguards may include the following: avoiding altogether or minimizing physical contact, keeping doors open when talking or meeting with students one-on-one, and/or making sure that such meetings with a student take place in rooms with windows and/or others nearby.
 - G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
 - H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with Burnsville-Eagan-Savage School District Policy 103 (Complaints – Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of the school district.
- B. All employees shall cooperate with any investigation into alleged violations of this policy.

IV. SCHOOL DISTRICT ACTION

Upon receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the Minnesota Professional Educator Licensing and Standards Board or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

V. SCOPE OF LIABILITY

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the school district is not required to defend and indemnify the employee for damages in school-related litigation.

Legal References: Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)
 Minn. Stat. § 122A.20, Subd 2 (Mandatory Reporting to Minnesota Professional Educator Licensing and Standards Board or Board of School Administrators)
 Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)
 Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)
 Minn. Stat. ~~Ch. 260E§ 626.556~~ (Reporting of Maltreatment of Minors)
 Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
 Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)
 Minn. Rules Part 8710.2100 (Code of Ethics for Minnesota Teachers)

Cross References: Burnsville-Eagan-Savage School District Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
 Burnsville-Eagan-Savage School District Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
 Burnsville-Eagan-Savage School District Policy 306 (Administrator Code of Ethics)
 Burnsville-Eagan-Savage School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 Burnsville-Eagan-Savage School District Policy 413 (Harassment and Violence)
 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 421 (Gifts to Employees)
 Burnsville-Eagan-Savage School District Policy 507 (Corporal Punishment)

Adopted: 2/1996
 Reviewed: ~~12/9/2021~~4/14/2022
 Revised: 10/22/2015 MSBA 2022
 Rescinds: JIH

Burnsville-Eagan-Savage School District Policy 519

519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

I. PURPOSE

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

II. GENERAL STATEMENT OF POLICY

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Upon receiving a request, the principal shall be responsible for determining whether the request will be granted. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

- A. In the case of an investigation pursuant to the Report of Maltreatment of Minors Act, Minnesota Statutes Chapter 260E, Minn. Stat. § 626.556, Subd. 10, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.
- B. If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to Minnesota Statutes Chapter 260E Minn. Stat. § 626.556, Subd. 10 (e) may specify that school district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to

interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.

- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.
- D. School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.
- E. Students shall not be taken from school district property without the consent of the principal and without proper warrant.

Legal References: Minn. Stat. § 13.32 (Educational Data)
 Minn. Stat. ~~Ch. 260E (Reporting of Maltreatment of Minors § 626.556, Subd. 10(c) and (d) (Duties of Local Welfare Agency and Local Law Enforcement Agency Upon Receipt of a Report))~~

Cross References: Burnsville-Eagan-Savage School District Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)
Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)

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Burnsville-Eagan-Savage School District Policy 532

Adopted: 4/04

Reviewed: ~~9/24/2020~~4/14/2022

Revised: 10/8/2020 MSBA 2022

Rescinds: JFCB

532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school property and school activities.

II. GENERAL STATEMENT OF POLICY

Burnsville-Eagan-Savage School District is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

All students, including students with IEPs, are subject to the terms of the school district's discipline policy. School site administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Appropriate corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury or to prevent serious property damage.
- B. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection

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of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term “peace officer” includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.

- C. “School resource officer” is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- D. “Crisis team” means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- E. The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. “Student with an IEP” or “the student” means a student who is eligible to receive special education and related services pursuant to the terms of an IEP.
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may be summoned. The crisis team may attempt to de-escalate the student’s behavior by means including, but not limited to, those described in the student’s IEP or behavior prevention plan. When such measures fail, or when the crisis team determines that the student’s behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student’s behavior cannot be safely managed, school personnel may immediately request assistance from the police resource officer or a peace officer.

B. Removal By School Resource Officer or Peace Officer

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If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police resource officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report suspected criminal activity committed by ~~students~~ a student with an IEP to appropriate authorities. If the school district reports suspected criminal activity by a student with an IEP to a school resource officer or peace officer and a police report is issued, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Parental Notification

The school site administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's physical removal from school grounds as soon as possible following the removal.

D. Reasonable Force Permitted

In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police resource officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

In removing a student from school grounds, police resource officers or peace officer and school district personnel are further prohibited from engaging in the following conduct:

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1. Corporal punishment prohibited by ~~Minn. Stat. §~~Minnesota Statutes Section 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheel-chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under ~~Minnesota Statutes Chapter 260E; § 626.556~~;
6. Physical holding (as defined in ~~Minn. Stat. §~~Minnesota Statutes Section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or
8. Denying a child access to toilet facilities.

~~D.~~ Parental Notification

~~The school site administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's physical removal from school grounds as soon as possible following the removal.~~

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the student's IEP or IIP.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's

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IEP, or behavior prevention plan, authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by ~~Minn.—Stat~~ §Minnesota Statutes Section 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
 Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
 Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
 Minn. Stat. § 121A.67, Subd. 2 (Removal by Police Officer)
 Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
 Minn. Stat. § 609.06 (Authorized Use of Force)
 Minn. Stat. § 609.379 (Permitted Actions)
 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))
 34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)

Cross References: Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
 Burnsville-Eagan-Savage School District Policy 507 (Corporal Punishment)
 Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)

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

Burnsville-Eagan-Savage School District Policy 806 (Crisis Management Policy)

April 14, 2022 Board Meeting

Board Members' Questions and Staff Responses regarding BoardBook materials

(Personnel Report)

Board Member Question	Staff Response
<p>I have the larger concern is district practice regarding the length and cost of parental leave. Given everything this district faces financially, some reassurance as to cost over time in cases such as this would be helpful. Looking at the BEA agreement, I am wondering why and when we as a district would leverage Subd. 8.</p> <p>Concerns of equity come to mind as well - are all teachers (and applicable staff) cognizant of their ability to extend beyond two years - how is this communicated broadly by HR? Is it district practice to allow parental leave in any amount of time following the addition of a child to the family, or do we exercise parameters? If there are parameters, what are they and how are they shared with staff? Overall, what is the district cost for these types of extensions and how many of these cases a) have we granted over the past 5 years (and the associated cost), and b) how many do we currently have (and the associated cost)?</p>	<p>In the contract teachers may submit for an additional two years under the Parental Leave Special Circumstances section. The only real criteria for this is application prior to February 1st of the year preceding the leave. That is one reason why you may see some teachers out for more than 2 years under parental leave. Another reason of course may be the need for another parental leave due to a pregnancy during the leave. All of this information is provided in the master contract. Human Resources and union leaders are available for questions pertaining to their circumstances. As far as costs, there is no difference. We do not pay the person for leave time except during the maternity leave portion and we do not contribute to health insurance. The replacement long term sub seldom costs more than the teacher on leave. They simply don't have the years of experience or education for high step and lane placements.</p>

(Middle school End Times)

Board Member Question	Staff Response
<p>Regarding Staff and Family input that will be shared Thursday and not knowing what is planned, I'm hoping we will hear responses differentiated between families vs staff, with details on how representative family respondents are of our families overall.</p> <p>On a separate note, I feel compelled to share that the comparison of length of day between One91 and other districts is not an apt one to make. As a district, we are proud of our work, and we recognize that we are doing what is right for our students, as opposed to assessing whether we are in stride with other districts that may or may not be like us. Keeping up with the Joneses (with a near singular prioritization of college path for students, ignoring most others) in our past did not serve our students well - thus the creation of Pathways.</p> <p>Prior Lake and Lakeville both have different school culture and priorities, as well as race, economics, and religion. 196 and Bloomington are much larger districts. Farmington is more rural. Suggesting that being in alignment with these other districts undermines the assertion that we are focused on our own student needs; if</p>	<p>The middle school principals are getting feedback from parents and after the presentation to the board they will continue to gather the possible impact of the change for families. What we heard from parents during budget feedback opportunities and previous parent meetings was that they want more after school activities. So, by adding middle school sports and having Burnsville Youth Collaborative (BYC) adjust to start earlier I believe we would be meeting the request of the parents if the board approves the change.</p> <p>Thanks for sharing your interpretation of the comparison to our proposed middle school length of day with other districts. First, let me share that this was one topic of discussion during vetting, but not the primary reason for the proposed change. Previous administration did review comparisons for proposed start and end times. We added to our presentation to be transparent about our vetting discussion. Neither this topic nor financial savings are the primary drivers for the change. The most important reasons are the positive benefits for students and families as captured in slides 5 and 7.</p>

we are proposing to realign our MS school day in a way that addresses the known needs of our MS students, please share that story with us. We know that One91 student needs are unique and prioritized by us uniquely (compared specifically to Lakeville and Prior Lake, as well as the others). Seeing a comparison of One91 vs these other districts makes me question the impact of this budget item and whether we are truly doing right by *our* students - or is this mostly about staff and neighboring districts, as is my impression. While I am certain student-centric details are planned based on slide content, the above concern persists for me.

As we all know, a filter of "one size fits all" for students is not who we are. In short, this comparison as justification for this budget item - it just isn't working for me and causes me to have more questions and concerns. Please, let's focus on us.

I respectfully request that this comparison be removed from the presentation. It does nothing but publicly engage and support continued comparisons to other districts within our school community & families, comparisons which may or may not be apt.

Regarding your request to remove the information to prevent others thinking we are trying to be in "alignment" with them rather than a reference point. We don't want to negatively contribute to our community's perceptions by comparing us to others. We would add that we have a robust ALC program embedded in our day and BYC programs that other districts may not have. Slide 3 is most important because it highlights that we are still maintaining the important components of implementing middle school philosophy.



**Agenda IV.B.1.
April 14, 2022**

To: Board of Education
From: Dr. Theresa Battle, superintendent
Date: April 7, 2022
Re: Approve the Swing for the Fences Memorandum of Understanding

Recommendation: Approve the Swing for the Fences Memorandum of Understanding and authorize the superintendent and executive director of business services to execute the Memorandum of Understanding.

March 24 workshop allowed for the details of the Swing for the Fences project to be shared by administration, which has recommended for approval of the memorandum of understanding (MOU). This MOU is the first step and a non-binding agreement which allows the fundraising for the project to begin by our BHS softball and baseball boosters in collaboration with the Cal Ripken Sr. Foundation.



MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING ("MOU") is made as of April 14, 2022 by and between **CAL RIPKEN, SR. FOUNDATION (CRSF)**, a corporation in the State of Maryland and **INDEPENDENT SCHOOL DISTRICT NO. 191 (BURNSVILLE-EAGAN-SAVAGE)**, a body corporate and politic under the laws of the State of Minnesota (the "District") and will expire on June 30, 2024.

I. Overview of MOU:

The purpose of this MOU is to outline the District's interest in partnering with CRSF to build a proposed softball/baseball project at Burnsville High School, 600 E. Hwy 13, Burnsville, MN 55337. General overview of project: proposed softball/baseball project that may include 2 turf fields, lighting, fences/backstops, scoreboards, dugouts, grandstands and bullpens for Softball/Baseball dependent upon funds raised. Location for the site improvements is on the Burnsville High School property.

This MOU outlines the general terms under which CRSF will support the District with its endeavor.

Under this MOU, CRSF will:

1. Be responsible for oversight and leadership of CRSF's role throughout the Project and will work closely with the District's key leaders throughout all aspects of the Project;
2. Work closely with the District to implement the vision and direction of the Park, including the attainment of the BHS Baseball and Softball Boosters' fundraising goal for the implementation of the Project;
3. Participate in fundraising visits/calls to donors and prospective donors and solicit donations for the Project on behalf of the BHS Baseball and Softball Boosters when appropriate;
4. Engage a field architect needed to plan the Project design and budget, after all funding is secured, establish the schedule of construction of the Project;
5. Apply for permits for the Project and cause the Project to be constructed lien-free in accordance with the design plans developed by CRSF's architect in consultation with the District;
6. Supply the District with a special sports equipment grant and standard direct program services, Program Training and Program Resources and mutually determined by CRSF and the District; and
7. At the completion of the Project, assign to the District all right, title, and interest in and to the assets and property improvements of the Project, including all applicable warranties.

Under this MOU, the District will:

1. Work with the BHS Baseball and Softball Boosters in leading gift financial commitment to project of at least 50%- 60% of the Project cost prior to CRSF's activation in developing a

- fundraising strategy to work closely with the District and the BHS Baseball and Softball 66 Boosters to obtain remaining funds required;
2. Work closely with the BHS Baseball and Softball Boosters and CRSF to develop a local list of donor prospects for the Project;
 3. Assist the BHS Baseball and Softball Boosters with its efforts to conduct fundraising visits/calls to donors and prospective donors and solicit donations for the Project;
 4. Work with CRSF to develop a mutually agreed upon Project design;
 5. Work with CRSF to develop a mutually agreed upon total Project budget that includes hard and soft construction costs, including CRSF's direct and indirect costs to cover administrative and fundraising costs generally equal to 7-10% of the first \$1.5M of the project budget, an additional 3% of project budget between \$1.5M and \$2M, and an additional 1% of budget in excess of \$2M.
 6. Work with CRSF to develop a mutually agreed upon CRSF time commitment for Project management and fundraising, and if the opportunity arises, additional funds for post construction programming costs;
 7. Agree that no formal design contracts will be commenced prior to appropriate level of funding for such contract being secured;
 8. Enter into a binding "Agreement" with CRSF. This "Agreement" shall describe the rights and obligations of each organization, and address in additional detail the matters described in this document. The "Agreement" will govern the Project for an extended period of time, generally covering the useful life of the initial capital campaign, construction and start-up of the project.
 9. Agree that all funds raised for the Project will be contributed to the Cal Ripken, Sr. Foundation prior to the start of construction for the purpose of paying for the construction of the Project. All funds contributed will be stewarded as part of CRSF operations for the sole benefit of the District; and
 10. Upon completion of the Youth Development Park, operate and maintain the facility to a high standard, including institution of a long-term operation, upkeep, and maintenance program.

III. Purpose & Nonbinding Provisions

Upon execution by the parties of this MOU, the following shall be applicable:

Provisions Not Enforceable. The provisions provided above in this MOU do not create or constitute any legally binding obligations upon the parties and is not intended to constitute a binding contract. The intent is to make clear to both parties the key terms of the construction project. It is understood and agreed that parties have not attempted to set forth all essential terms of this proposed transaction, and the parties further acknowledge and agree that such terms are subject to further negotiations.

If the foregoing meets with your approval, please sign this MOU as provided below, and the duplicate original enclosed herewith, and return the duplicate to our attention whereupon this shall constitute the understanding between the parties in accordance with the terms and provisions set forth above.

Revised 1-1-2022

Witness the following authorized signatures:

CAL RIPKEN, SR. FOUNDATION

By: _____
Steve Salem
President
_____ Date

INDEPENDENT SCHOOL DISTRICT NO. 191

By: _____
ISD 191, Board Chair
_____ Date

By: _____
ISD 191, Board Clerk
_____ Date



Agenda IV.B.2
April 14, 2022

To: Members, Board of Education
From: Stacey Sovine, Executive Director of Human Resources
Date: April 14, 2022
Re: Approve Premiums and Rates for Employee Benefits

RECOMMENDATION: That the Board of Education approves the FY23 premiums and rates for employee benefits.

Below are the premiums/rates for the respective employee benefits for our July 1, 2022 through June 30, 2023 plan year.

Health Self Insured Employee Benefit:

Family coverage, Annual premium of \$28,059.51 and a \$2,000 HRA contribution for a monthly combined premium of \$2,504.96

Single coverage, Annual premium of \$10,940.06 and a \$1,000 HRA contribution for a monthly combined premium of \$995.00

Dental Self Insured Employee Benefit:

Family coverage full monthly premium of \$100.19 and an annual cost of \$1,202.26

Single coverage full monthly premium of \$38.36 and an annual cost of \$460.33

Employer and Employee portion of above premiums and rates are dependent upon contract language covering employee's employment with the district.

Group Life Insurance:

Rates decrease to \$0.060 per \$1,000 effective July 1, 2022

Long Term Disability Insurance:

Rates hold at \$0.00418 per \$1,000 effective July 1, 2022



 AGENDA ITEM: IV.B.3

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

From: Stacey Sovine
Executive Director of Human Resources

Date: April 14th, 2022

RE: Resolution relating to the Termination of Teaching Contracts for the following Long Term Substitute Teachers effective at the close of the 2021-2022 school year

RECOMMENDATION: It is the recommendation that the Board of Education adopt the following resolution:

BE IT RESOLVED, by the Board of Education of School District 191, that the teaching contracts of the following long-term substitute teachers be terminated at the close of the 2021-2022 school year.

Last Name	First Name	School
Bridges	Gary	WB
Brown	Alta	HV
Bunce	Jack	DW
Colin	Julie	HV
Ferri	Andrew	ERMS
Garrison	Amber	ERMS
Hanson	Beverly	WB
Hollingsworth	Kristin	ECSE
Nixon	Susan	BHS
Oscarson Wanzek	Kristin	DH
Pelletier	Zoe	BHS
Peters	John	VV
Peters	John	VV
Philipsek	Megan	NMS
Pitts	Steven	VA
Sonsalla	Jeffrey	ER
Tofte	Andrew	WB
Topic	Mary	ERMS
Warren	Haley	RAHN
Warren	Haley	VV

BE IT FURTHER RESOLVED, that written notice is sent to said teachers regarding termination and nonrenewal of his/her contract as provided by law.



AGENDA ITEM: IV.B.4.

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

From: Stacey Sovine
Executive Director of Human Resources

Date: April 14th, 2022

RE: Resolution relating to the termination and nonrenewal of that portion of teaching contracts in excess of 1.0 and/or beyond contractual rights at the conclusion of the 2021-2022 school year.

RECOMMENDATION: It is the recommendation that the Board of Education adopt the following resolution:

BE IT RESOLVED, by the Board of Education of Independent School District 191 that the portion of teaching contracts of staff in excess of 1.0 and/or contractual rights be terminated at the close of the 2021-2022 school year.

Name	FTE
Braun, Catherine	.05739
Brown, Christopher	.065
Carroll, Michele	.08804
Challgren, Peg Ten	.065
Cin, Stephanie	.065
Connell, Paul	.04565
Drahos, Cynthia	.04565
Eggers, Sheana	.01027
Eichten, Heidi	.04565
Elfering, Jean	.00536
Eppen, Matthew	.0576
Flynn, Catherine	.065
Fritz, Kimberly	.04782
Glas, John	.065
Goff, Tara	.01848
Hammer, Jeffrey	.065
Harrod, Kim	.08804
Holman, Sandra	.02917
Johnson, Ronna	.01755
Lundahl, Timothy	.01123
Martin, Emma	.065

Martin, Emma	.17
Mosey, Pat	.065
Nimchuk, Sarah	.39
Paetzold, Robert James	.01052
Pieper, Jill	.0065
Reuss, Eric	.04967
Salm, Abigail	.065
Salm, Abigail	.03961
Simmons, Sean	.09239
Soley, Nicole	.18913
Yager, Amy	.01072

BE IT FURTHER RESOLVED, that written notice is sent to said teachers regarding termination and nonrenewal of his/her contract as provided by law.



AGENDA ITEM: IV.B.5

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

From: Stacey Sovine
Executive Director of Human Resources

Date: April 14th, 2022

RE: Resolution relating to the Termination and Nonrenewal of the Teaching Contracts of Probationary Certified Personnel at the close of the 2021-2022 school year.

RECOMMENDATION: It is the recommendation that the Board of Education adopt the following resolution:

BE IT RESOLVED, by the Board of Education of Independent School District 191, pursuant to Minnesota Statute § 122A.40 that the teaching contracts of the following licensed probationary teachers in Independent School District 191 be terminated at the end of the 2021-2022 school year.

Name	School	FTE
Brent Abbott	NMS	1.0
Alexandra Bain	HV	1.0
Michelle Baumann	GP	.75
Andrew Bryzgornia	NMS	1.0
Erin Collins	ERMS, NMS	1.0
Laura Connell	BHS, VASEC	.8
Antanaya Ferguson	VA	1.0
Yannick Ford	HV	1.0
Laura Franklin	EN	1.0
Daniel Gieski	BHS	1.0
Mary Jane Gunderson	BHS	1.0
Rachel Heil	WB	1.0
Andra Hiebert	RAHN	1.0
Inga Kammuller	NMS, VASEC	1.0
Katie Kelly	NMS	.67
Danai Kerbaugh	NMS	1.0
Emma Martin	ERMS	1.0

Laken Mayer	VV	1.0
Sydney Mohr	NMS	.14
Khadija Moukrim	BHS	1.0
Kathleen Mulvihill	BHS	1.0
Sarah Nimchuk	ERMS, NMS	.19
Tessa Nosser	HB	1.0
Steve Omodt	HB, HV	1.0
Katie O'Shea	VV	1.0
Harrison Owings	BHS	1.0
Sophie Rabino	RAHN	1.0
Fatiya Robe	BHS	1.0
Abigail Salm	ERMS	.83
Maria Starkey	RAHN	1.0
Kristyn Svoboda	RAHN	1.0
Jennifer Tandberg	BHS	1.0

BE IT FURTHER RESOLVED, that written notice is sent to said teachers regarding termination and nonrenewal of his/her contract as provided by law.



IV. B.6

Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION: (1) PROPOSING TO PLACE
TEACHERS ON UNREQUESTED LEAVE OF ABSENCE and (2) PLACING
TEACHERS WHO HAVE NOT REQUESTED A HEARING ON UNREQUESTED
LEAVE OF ABSENCE**

BE IT RESOLVED by the School Board of Independent School District No. 191, as follows:

1. That it is proposed that the following teachers be placed on unrequested leave of absence without pay or fringe benefits, effective at the end of the 2021-2022, school year, pursuant to Minnesota Statutes, §122A.40, subdivision 10 and Article XIII of the Collective Bargaining Agreement between the School District and the Burnsville Education Association:

Name	FTE to be reduced by ULA
Janelle Anderson	1.0

2. That written notice be sent to said teachers regarding the proposed placement on unrequested leave of absence without pay or fringe benefits as provided by law in substantially the following form:

Dear Mr./Ms. _____:

You are hereby notified that at the April 14, 2022 meeting of the School Board of Independent School District No. 191, consideration was given to your placement on unrequested leave of absence, without pay or fringe benefits, as a teacher of Independent School District No. 191, and a resolution was adopted by a majority vote of the School Board proposing your placement on unrequested leave of absence effective at the end of the 2021-2022 school year, pursuant to Minnesota Statutes §122A.40, subdivision 10 and Article XIII of the Teachers' Collective Bargaining Agreement between the School District and the Burnsville Education Association, on the following grounds:

Discontinuance of Position, Lack of Pupils and

Financial Limitations

You are entitled to a hearing provided that you make a request in writing within fourteen (14) days after receipt of this notice. If you request a hearing, it will be held before a hearing officer on May 18th, 2022, at 10 a.m. at the School District offices located at 200 West Burnsville Parkway, Burnsville, Minnesota. If no hearing is requested within such period, it shall be deemed acquiescence by you to the School Board's proposed action, and your placement on unrequested leave of absence shall be effective at the end of the 2021-2022 school year.

Sincerely,

SCHOOL BOARD OF
INDEPENDENT SCHOOL DISTRICT NO. 191

Clerk of the School Board

4. That each and all of the foregoing grounds of said notice are within the grounds for unrequested leave of absence as set forth in Minnesota Statutes, §122A.40, subdivision 10, and are hereby adopted as fully as though separately set forth and resolved herein.

5. In the event any or all of the teachers identified herein do not make a request in writing for a hearing within fourteen (14) days of receipt of Notice of Proposed Unrequested Leave of Absence, it is hereby resolved that those teacher(s) be and hereby are placed on unrequested leave of absence effective at the end of the 2021-2022 school year.

BE IT FURTHER RESOLVED, that the teacher(s) identified herein be personally served a Notice of Placement on Unrequested Leave of Absence no later than June 30, 2022.

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

**Agenda IV.B.7.
April 14, 2022**

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

From: Stacey Sovine, executive director of human resources

Date: April 6, 2022

Re: Policy 414: *Mandated Reporting of Child Neglect or Physical or Sexual Abuse*

Recommendation: Approve, on a first reading basis, changes to Policy 414: *Mandated Reporting of Child Neglect or Physical or Sexual Abuse*.

Policy 419 was reviewed by the Policy Review Committee on March 22, 2022.

- MSBA: The Minnesota Legislature reorganized the Maltreatment of Minors Act by moving it from a criminal law chapter (Ch. 626) to a public health chapter (Ch. 260E). This policy has been updated to reflect that change.
- An annual review if this policy is required.

Adopted: 7/2001
 Reviewed: 9/9/2021
 Revised: 3/19/2020 MSBA 2022
 Rescinds: GBHA

Burnsville-Eagan-Savage School District Policy 414

414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. Ch. 260E§ 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event ~~which~~that:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Juvenile Safety and Placement~~Child Protection~~) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.

- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being ~~neglected or physically or sexually abused~~maltreated, or has been ~~neglected or physically or sexually abused~~maltreated within the preceding three years.
- E. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- FE. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical ~~care~~, or other care required for the child’s physical or mental health when reasonably able to do so; ~~including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;~~
 2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so, so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors ~~such~~ as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for ~~his or her~~the child’s own basic needs or safety or the basic needs or safety of another child in his or her care;
 4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
 5. prenatal exposure to a controlled substance as defined in state law used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, ~~or~~ medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
 6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);
 7. chronic and severe use of alcohol or a controlled substance by a ~~parent or~~ person responsible for the care of the child that adversely affects the child’s basic needs and safety; or

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

Neglect ~~does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care. does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.~~

GF. "Nonmaltreatment mistake" ~~means~~occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.

H. ~~"Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.~~

IG. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care or a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

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

Actions ~~which-that~~ are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions ~~which-that~~ result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances ~~which-that~~ were not prescribed for the child by a practitioner, in order to control or punish the child, or ~~giving the child~~ other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or ~~that~~ subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (9) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

JH. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes ~~neglect or physical or sexual abuse~~maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the ~~neglect or abuse~~maltreatment if known.

KI. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.

LJ. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor ~~which-that~~ constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation ~~which-that~~ requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).

M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person

responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative..

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

IV. REPORTING PROCEDURES

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

receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

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

V. INVESTIGATION

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

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

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

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until

notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

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

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear on the district website.
- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 4, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
[Minn. Stat. Ch. 260E \(Reporting of Maltreatment of Minors\)](#)
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
~~Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)~~
~~Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)~~
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References: Burnsville-Eagan-Savage School District Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
Burnsville-Eagan-Savage School District Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
Burnsville-Eagan-Savage School District Policy 211 (Criminal or Civil

Action Against School District, School Board Member, Employee, or Student)

Burnsville-Eagan-Savage School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

Burnsville-Eagan-Savage School District Policy 406 (Public and Private Personnel Data)

Burnsville-Eagan-Savage School District Policy Policy 423 (Employee-Student Relationships)

Agenda IV.B.8.
April 14, 2022

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

From: Brian Gersich, assistant superintendent

Date: April 7, 2022

Re: New Policy 535: *Service Animals in Schools* and Changes to Policy 799: *Animals in the Schools*

Recommendation: Approve, on a first reading basis, new Policy 535: *Service Animals in Schools* and changes to Policy 799: *Animals in the Schools*.

New Policy 535 and changes to Policy 799 were reviewed by the Policy Review Committee on March 22, 2022.

Summary of changes:

- 535 – The Policy Review Committee requested to remove references to horses from the MSBA Model Policy 535 and added “program administrator or” before principal before adopting the policy.
- 799 – Remove service animals from Policy 799 because it is addressed in new Policy 535.

Adopted: _____

Burnsville-Eagan-Savage School District Policy 535

Reviewed: 4/14/2022

Revised: _____

Adopted: _____

535 SERVICE ANIMALS IN SCHOOLS

I. PURPOSE

The purpose of this policy is to establish parameters for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

II. GENERAL STATEMENT OF POLICY

Individuals with disabilities shall be permitted to bring their service animals into school buildings or on school grounds in accordance with, and subject to, this policy.

III. DEFINITIONS

A. Service Animal

A “service animal” is a dog (regardless of breed or size) ~~or miniature horse~~ that is individually trained to perform “work or tasks” for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets. The work or tasks performed by the service animal must be directly related to the individual’s disability. An animal accompanying an individual for the sole purpose of providing emotional support, therapy, comfort, or companionship is not a service animal.

B. Handler

A “handler” is an individual with a disability who uses a service animal. In the case of an individual who is unable to care for and supervise the service animal for reasons such as age or disability, “handler” means the person who cares for and supervises the animal on that individual’s behalf. School district personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.

C. Work or Tasks

1. “Work or tasks” are those functions performed by a service animal. The work or tasks must be directly related to the handler's disability.
2. Examples of “work or tasks” include, but are not limited to,

- _____ a. ~~A~~ssisting individuals who are blind or have low vision with navigation and other tasks,
 - _____ b. ~~A~~lerting individuals who are deaf or hard of hearing to the presence of people or sounds,
 - _____ c. ~~P~~roviding non-violent protection or rescue work,
 - _____ d. ~~P~~ulling a wheelchair,
 - _____ e. ~~A~~ssisting an individual during a seizure,
 - _____ f. ~~A~~lerting individuals to the presence of allergens,
 - _____ g. ~~R~~etrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
 - _____ h. ~~H~~elping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
3. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.

D. Trainer

A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

IV. ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES

- A. In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students, and employees are allowed to go. A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler has the right: (a) to be present on school district property or in school district facilities; (b) to attend or participate in a school-sponsored event, activity, or program; or (c) to be transported in a vehicle that is operated by or on behalf of the school district.
- B. When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person’s disability, but may make the following two inquiries to determine whether the animal qualifies as a service animal:
1. Is the service animal required because of a disability; and
 2. What work or tasks is the service animal trained to perform.
- C. School district employees shall not make these inquiries of an individual with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. However, school district employees may inquire whether the individual with a disability has completed and submitted the request form

described in Part VI., below.

- D. An individual with a disability may not be required to provide documentation such as proof that the animal has been certified, trained, or licensed as a service animal.

V. REQUIREMENTS FOR ALL SERVICE ANIMALS

- A. The service animal must be required for the individual with a disability.
- B. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability.
- C. A service animal must have a harness, leash, or other tether, unless either the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case, the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- D. The service animal must be housebroken.
- E. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of a service animal, including walking the service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, and responding to the service animal's need to relieve itself, including the proper disposal of the service animal's waste.
- F. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
- G. In the case of a student who is unable to care for and/or supervise ~~his or her~~their service animal, the student's parent/guardian is responsible for arranging for such care and supervision. In the case of an employee or other individual who is unable to care for and/or supervise ~~his or her~~their service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.
- H. The service animal must be properly licensed and vaccinated in accordance with applicable state laws and local ordinances.

VI. REQUESTING THE USE OF A SERVICE ANIMAL AT SCHOOL

- A. Students with a disability seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the program administrator building principal of the school the student attends. The program administrator or principal will notify the superintendent or the administrator designated with

responsibility to address such requests. School district employees seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the superintendent or the administrator designated with responsibility to address such requests.

- B. Students or employees seeking to bring a service animal onto district premises are requested to identify whether the need for the service animal is required because of a disability and to describe the work or tasks that the service animal is trained to perform.
- C. The owner of the service animal shall provide written evidence that the service animal has received all vaccinations required by state law or local ordinance.

VII. REMOVAL OR EXCLUSION OF A SERVICE ANIMAL

- A. A school official may require a handler to remove a service animal from school district property, a school building, or a school-sponsored program or activity, if:
 - 1. Any of the requirements described in Part V., above, are not met.
 - 2. The service animal is out of control and/or the handler does not effectively control the animal's behavior;
 - 3. The presence of the service animal would fundamentally alter the nature of a service, program or activity; or
 - 4. The service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or otherwise poses a significant health or safety risk to others that cannot be eliminated by reasonable accommodations.
- B. If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.

~~VIII. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES~~

~~In assessing whether a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:~~

- ~~A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;~~
- ~~B. Whether the handler has sufficient control of the miniature horse;~~
- ~~C. Whether the miniature horse is housebroken; and~~

~~D. Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate health and safety requirements.~~

IXVIII. ALLERGIES; FEAR OF ANIMALS

If a student or employee notifies the school district that he or she is allergic to a service animal, the school district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of animals is generally not a valid reason for prohibiting the presence of a service animal.

IX. NON-SERVICE ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPS) OR SECTION 504 PLANS

If a special education student or a student with a Section 504 plan seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the student's IEP team or Section 504 team, as appropriate, to determine whether the animal is necessary for the student to receive a free appropriate public education (FAPE) or, in the case of a ~~Section 504 student~~student on a 504, to reasonably accommodate the student's access to the school district's programs and activities.

XI. NON-SERVICE ANIMAL AS AN ACCOMMODATION FOR EMPLOYEES

If an employee seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the superintendent or the administrator designated to handle such requests. A school district employee who is a qualified individual with a disability will be allowed to bring such animal onto school property when it is determined that such use is required to enable the employee to perform the essential functions of ~~his or her~~their position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

XII. LIABILITY

- A. The owner of the service animal is responsible for any harm or injury to an individual and for any property damage caused by the service animal while on school district property.
- B. An individual who, directly or indirectly through statements or conduct, intentionally misrepresents an animal in that person's possession as a service animal may be subject to criminal liability.

Legal References: Section 504 of the Rehabilitation Act of 1973
 28 C.F.R. § 35.104, 28 C.F.R. § 35.130(b)(7), and 28 C.F.R. § 35.136
 (ADA Regulations)
 20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
 Minn. Stat. § 256C.02 (Public Accommodations for Persons with Disabilities)

Minn. Stat. § 363A.19 (Discrimination Against Blind, Deaf, or Other Persons with Physical or Sensory Disabilities Prohibited)

Minn. Stat. § 609.226 (Harm Caused by Dog)

Minn. Stat. § 609.833 (Misrepresentation of Service Animal)

Cross References: Burnsville-Eagan-Savage School District Policy 402 (Disability Nondiscrimination Policy)
Burnsville-Eagan-Savage School District Policy 521 (Student Disability Nondiscrimination)
[Burnsville-Eagan-Savage School District Policy 799 \(Animals in the Schools\)](#)

Adopted: 1/1986 *Burnsville-Eagan-Savage School District Policy 799*
 Reviewed: 5/23/2019
 Revised: 11/2011, 1/28/2016 (Administration 3/14/2022)
 Rescinds: ING

799 ANIMALS IN THE SCHOOLS

I. PURPOSE

The purpose of this policy is to provide guidance for when animals are allowed on school district property, including buildings and classrooms.

~~II. SERVICE ANIMALS~~

~~A. A person with a disability may be accompanied by a service animal in public places within Independent School District 191 consistent with Minnesota Statutes §256C.02 and § 363A.19. A service animal is defined as a dog that has been individually trained to do work or perform tasks for the benefit of a person with disabilities. A person who is training a dog to be a service dog also may be permitted to have a dog on school property.~~

~~B. The services animal must be permitted in any areas of school district facilities that the public is normally allowed to visit. This is true even if local health codes would prohibit a dog from being in part or all of the facility.~~

~~C. The District may only ask whether the service animal is required by the person's disability and what work or task the service animal does for the person with disabilities. No other inquiries may be made regarding the service animal.~~

~~D. The animal handler must do the following:~~

~~1. Properly harness or leash the service animal and maintain control of the animal.~~

~~2. Provide the service animal with humane care and treatment.~~

~~E. The person with a disability may be asked to remove the service animal if it is out of control and the handler cannot regain control or if it is not house-broken.~~

~~III. NON-SERVICE, COMPANION ANIMALS~~

~~A. A student with a disability who wishes to be accompanied in a school building including a classroom, lunchroom, or other area within the school building by a non-service animal should request that the student's Individualized Education~~

~~Program (IEP) or Section 504 team consider whether the non-service animal is necessary to provide the student with a free appropriate public education (FAPE).~~

- ~~B. The non-service animal will be permitted to accompany the student if the student requires the animal in order to receive a FAPE as determined by the IEP or Section 504 team.~~
- ~~C. IEP/ Section 504 teams will address any specific goal that would pertain to the animal and how the student's need would be addressed and if the use of the animal is the only means for meeting the student's need. These considerations would be balanced with the needs of other students in the school/classroom including allergies, asthma, and cultural concerns.~~
- ~~D. The following requirements apply to non-service companion animals permitted in schools:

 - ~~1. The non-service animal is harnessed or leashed and controlled by the person with disabilities.~~
 - ~~2. Proof of vaccination for rabies and distemper parvo must be provided before any non-service animal is allowed in a school.~~
 - ~~3. The person shall be liable for any damage done to property by a non-service animal.~~
 - ~~4. The person is responsible for the humane care and treatment of the non-service animal.~~
 - ~~5. The person may be asked to remove the non-service animal if it poses a significant health or safety risk or creates or may create disruption to the educational environment.~~~~

IV. VISITING ANIMALS

- A. The site administrator has the sole discretion to allow or not allow pets or animals on school property. This provision does not apply to service animals or companion animals for persons with disabilities.
- B. When possible, it is preferable for students to go outside and visit the animal rather than have the animal visit the students in the building.
- C. If the site administrator grants permission for a visiting animal to be present on school property, the following minimal conditions apply:
 1. The animal must be controlled and humanely cared for by the owner,
 2. The animal must be vaccinated as required by local law,

3. The animal must be removed by the owner at the request of the school administrator regardless of the reason if any;
4. The owner will be liable for property damage or injury.

IVII. CLASSROOM ANIMALS

- A. The site administrator has the sole discretion to allow or not allow animals (including birds, reptiles and insects) in classrooms.
- B. Animals must serve an educational purpose.
- C. Animals in the classroom are the responsibility of the teacher who must ensure safe handling or presentation of animals, adherence to proper hand washing and other safety practices, vaccination as required by law and clean-up of animal cages, food and waste.

IVIII. ANIMAL BITES

If an animal bite or other injury to persons occurs, administer first aid as necessary and notify the health office and parent or guardian.

Legal References: 20 U.S.C. § 1401 *et seq.* (The Individuals with Disabilities Education Act)
 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
 Minn. Stat. §§ 256C.02 (Persons with Disabilities)
 Minn. Stat. §363A.19 (Discrimination against Persons with Disabilities Prohibited)
 48 U.S.C. §§ 12101 *et seq.* (The Americans with Disabilities Act)
 28 C.F.R. 36.302(c)(1) (Service Animals)

Cross References: Burnsville-Eagan-Savage School District Policy 402 (Disability Nondiscrimination Policy)
 Burnsville-Eagan-Savage School District Policy 521 (Student Disability Nondiscrimination)
[Burnsville-Eagan-Savage School District 535 \(Service Animals in Schools\)](#)
 Burnsville-Eagan-Savage School District Policy 608 (Instructional Service – Special Education)