



Regular Meeting Agenda

Diamondhead Education Center
200 W. Burnsville Parkway
Burnsville, MN 55337
February 9, 2023
6:30 PM

Strategic Directions:

- Creating space and opportunity for each and every voice to be heard
- Actively leading by developing and sustaining a diverse and equitable education system
- Supporting and leveraging innovation to improve student outcomes and district culture
- Engaging our community to ensure common understanding of our Strategic Roadmap and the district work to support it

5:45 PM Listening Session with Director Eric Miller and Director Lesley Chester

I. Call to Order

- A. Welcome
- B. Pledge of Allegiance

II. Approval of Agenda

III. Information

- A. Report about the Mid-Year Review for Superintendent Dr. Battle 4
Speaker(s): Anna Werb, Vice Chair
- B. Report about FY23 Revised Budget 6
Speaker(s): Stacey Sovine, Executive Director of Administrative Services
- C. Student Representative Report 21
- D. Superintendent Report 22
- E. Board Member Reports 23

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	28
4. Receive a Report about the Listening Session	30
5. Approve, on a Second Reading Basis, Non-Substantive Changes to Policies 508: <i>Extended School Year for Certain Students with Individualized Education Programs</i> , 509: <i>Enrollment of Nonresident Students</i> , 517: <i>Student Recruiting</i> , 525: <i>Violence Prevention</i> , 528: <i>Student Parental and Family</i> , 529: <i>Staff Notification</i> , 532: <i>Use of Peace Officers</i> , 533: <i>Wellness</i> , 601: <i>School District Curriculum</i> , and 620: <i>Credit for Learning</i>	31
6. Approve, on a Second Reading Basis, Changes to Policies 515: <i>Protection and Privacy of Student Records</i> , 603: <i>Curriculum Development</i> , 604: <i>Instructional Curriculum</i> , and 208: <i>Development, Adoption, and Implementation of Policies</i> .	74
7. Approve, on a First Reading Basis, Non-Substantive Changes to Policies 802: <i>Disposition of Obsolete Equipment and Material</i> , 801: <i>Equal Access to School Facilities</i> , 404: <i>Employment Background Checks</i> , 702: <i>Accounting</i> , 703: <i>Annual Audit</i> , 706: <i>Acceptance of Gifts</i> , 707: <i>Transportation of Public School Students</i> , 710: <i>Extracurricular Transportation</i> , 712: <i>Video Surveillance Other Than on Buses</i> , and 720: <i>Vending Machines</i>	120
8. Schedule a Board Retreat on Saturday, February 18, 2023, at 9:00 a.m.	154
B. New Business	155
1. Approve the Proposal for the 2023 Boiler Replacement Project at William Byrne Elementary School Speaker(s): Stacey Sovine, Executive Director of Administrative Services	162
2. Approve FY23 Revised Budget Speaker(s): Stacey Sovine, Executive Director of Administrative Services	163
3. Approve the Joint Powers Agreement Between the Minnesota Department of Education and ISD 191 Speaker(s): Stacey Sovine, Executive Director of Administrative Services	164
4. Approve the Strategic Roadmap Dashboard Speaker(s): Dr. Theresa Battle, Superintendent	173
5. Approve, on a First Reading Basis, Changes to Policy 613: <i>Graduation Requirements</i> Speaker(s): Imina Oftedahl, Director of Curriculum, Instruction and Assessment	175
6. Approve, on a First Reading Basis, Changes to Policy 705: <i>Investments</i> Speaker(s): Stacey Sovine, Executive Director of Administrative Services	185
7. Approve, on a First Reading Basis, Changes to Policy 602: <i>Organization of School Calendar</i>	

District 191 welcomes members of the public to attend Board of Education meetings, work sessions and other public gatherings. However, public participation is allowed only during listening sessions, which are held before regular board meetings. Community members who wish to share their thoughts and opinions on meeting topics should contact the Superintendent's office at 952-707-2005 to schedule a meeting with the Superintendent or member of her leadership team. 193

Speaker(s): Dr. Chris Bellmont, Assistant Superintendent 3
8. Approve, on a First Reading Basis, Changes to Policy 104: *School* 197
District Mission Statement

Speaker(s): Aaron Tinklenberg, Director of Communications

V. Adjourn to a workshop

A. FY24 Preliminary Budget Discussion 201

Speaker(s): Dr. Theresa Battle, Superintendent, Imina Oftedahl, Director of Curriculum, Instruction and Assessment, and Stacey Sovine, Executive Director of Administrative Services



**Agenda III.A.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Anna Werb, vice chair

Date: February 2, 2023

Re: Report about the Mid-Year Review for Superintendent Dr. Battle

Receive a report from Director Werb about the Mid-Year Review for Superintendent Dr. Battle.

Superintendent's Mid-Year Review - February 9, 2023

Statement by Board Vice Chair Anna Werb

On January 26th, 2023, the District 191 School Board and Superintendent Dr. Theresa Battle met in a closed session for her annual mid-year review.

The mid-year review is used as a gauge during the year to assess where Dr. Battle is at for meeting her Performance Goals that have been set and for the Board to also provide any constructive feedback for her current performance that will allow her to see what measurements can be improved upon before the final performance review in June.

The Board normally provides mid-year performance review and feedback to Dr. Battle in one-on-one meetings. This year the board felt that it would be more efficient and effective to provide the mid-year performance review the same way we conduct the final performance review in a closed session.

The review consisted of evaluating where Dr. Battle is as far as meeting her personal goals for the 2022-2023 school year as well as providing feedback of her performance and areas of strengths and areas for improvement.

There are three personal goals for Superintendent Battle during the 2022-23 school year:

Goal 1: Improve competency in moving toward adaptation in Cultural Competency as described by the Intercultural Development Continuum. Linking knowledge of my culture and other cultures to increase skill of “shifting perspectives” and to link my cognitive ability to generate cultural appropriateness in my affect and behavior.

Goal 2: By January 2023, complete action plans for One91 Roadmap strategic directions, a dashboard for the goal attainment metrics and Profile of Learner

Goal 3: By September 2022, present a plan with goals and strategies for reducing enrollment loss and retention of students and implement the plan throughout the 2022-23 school year.

We identified that Dr. Battle is making the necessary strides to complete the goals she has set for herself. Constructive feedback was provided and we continue to appreciate the dedication and support of our students that Dr. Battle provides to our district.



**Agenda III.B.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Stacey Sovine, executive director of administrative services

Date: February 2, 2023

Re: Report about FY23 Revised Budget

Receive a report about FY23 Revised Budget from Stacey Sovine, executive director of administrative services.

Fiscal Year 2023⁷ Revised Budget

**Stacey Sovine - Executive Director
of Administrative Services**

**Prepared by Tyler Dehne -
Director of Finance**

February 9, 2023



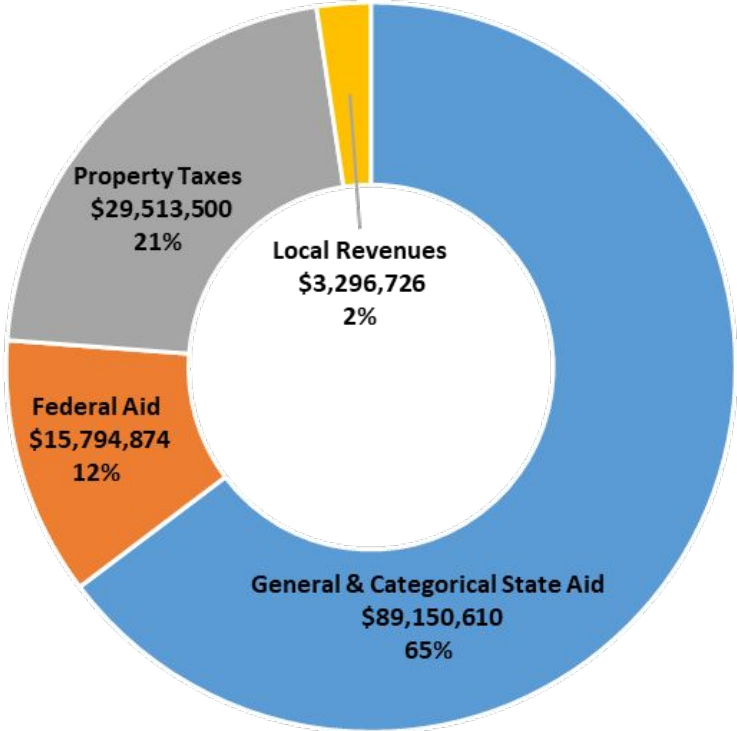
- Provide the Board and Community with updated finance information.
- Recommendation to the Board for approval of Fiscal Year (FY) 2023 Revised Budget.

Agenda

- Where does district funding come from?
- What restrictions are there on district spending?
- How does the district spend its money?
- What's the current situation?

Revenue: Where does it come from?

General Fund Revenue:
\$137,755,710



What restrictions are there?

- **General Fund Capital:** Annual allocation that can only be used for approved personnel and equipment per state statute.
- **Title Funds:** Federal money designated for specific purposes such as needs associated with high poverty rates.
- **Technology Levy:** Specifically for technology, personnel and equipment.
- **Community Education - Food & Nutrition Services**

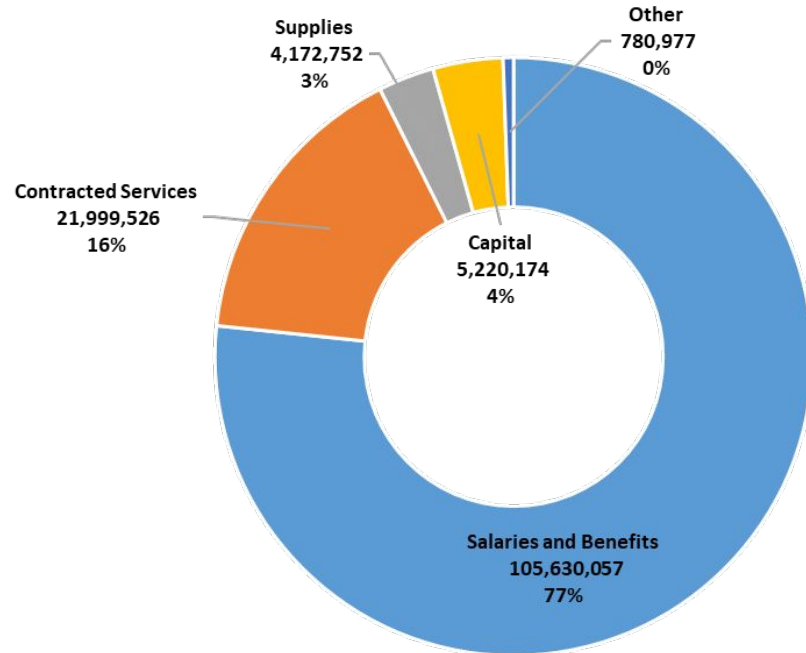
General Fund Expenditures by UFARS

Object Dimension

(Type of Expense)

- 77% on people
- 23% on supplies, facilities, contracted services, etc.

\$137,803,486



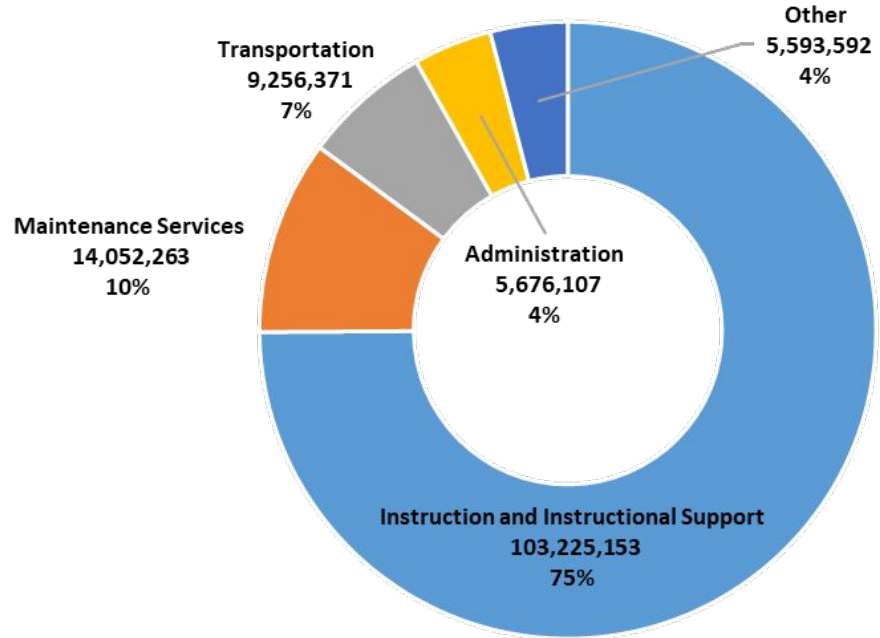
General Fund Expenditures by UFARS

Program Dimension

(By Purpose)

- 75% on instruction & instructional support
- 4% on administration

\$137,803,486

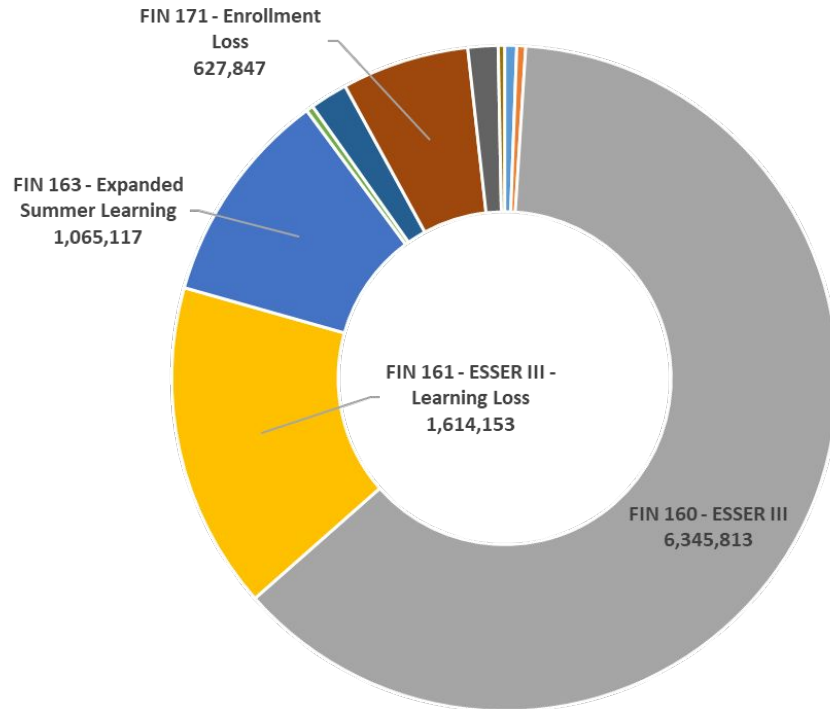


People: By Bargaining Group General Fund

General Fund Bargaining Group	Sum of FTE (Full-Time Equivalent)	Sum of Salary	Sum of Benefits	Total Salary + Benefits	% of Total
Clerical	43.00	\$ 2,133,901	\$ 904,944	\$ 3,038,845	3.04%
Confidential	5.00	\$ 410,904	\$ 171,259	\$ 582,163	0.58%
Custodial	70.33	\$ 3,755,125	\$ 1,467,199	\$ 5,222,324	5.22%
District Wide	8.85	\$ 1,152,581	\$ 373,751	\$ 1,526,332	1.53%
Educational Asst	168.01	\$ 4,837,695	\$ 2,946,173	\$ 7,783,868	7.78%
Info Tech Specialists	13.00	\$ 785,934	\$ 351,642	\$ 1,137,576	1.14%
Operations	4.00	\$ 264,823	\$ 103,687	\$ 368,510	0.37%
Principals	18.00	\$ 2,582,921	\$ 908,063	\$ 3,490,984	3.49%
Superintendent	1.00	\$ 201,800	\$ 63,182	\$ 264,982	0.26%
Teachers	612.33	\$ 48,683,782	\$ 20,831,637	\$ 69,515,419	69.50%
Unaffiliated	59.03	\$ 3,962,110	\$ 1,701,457	\$ 5,663,567	5.66%
VPK / CE	23.19	\$ 1,061,041	\$ 364,979	\$ 1,426,020	1.43%
Grand Total	1,025.74	\$ 69,832,617	\$ 30,187,973	\$ 100,020,590	100%

[Burnsville-Eagan-Savage District #191 Bargaining Unit Descriptions](#)

Federal Pandemic Relief Funds Included



\$10,156,909

2022-2023 Revised Budget - All Funds

FUND	AUDITED FUND BALANCE 6/30/22	REVENUE BUDGET	EXPENDITURE BUDGET	PROJECTED FUND BALANCE 6/30/23
GENERAL	\$ 32,521,898	\$ 137,755,710	\$ 137,803,486	\$ 32,474,122
FOOD SERVICE	2,511,461	5,792,542	5,298,849	3,005,154
COMMUNITY SERVICE	3,195,512	6,414,832	6,039,135	3,571,209
CAPITAL PROJECTS	-	-	-	-
DEBT SERVICE	5,791,892	10,780,000	11,360,000	5,211,892
INTERNAL SERVICE FUND	20,900,990	23,170,000	25,120,000	18,950,990
TOTAL ALL FUNDS	\$ 64,921,753	\$ 183,913,084	\$ 185,621,470	\$ 63,213,367

Current Reality

General Fund Budget Comparative Summary

	Actual Results 2020-21	Actual Results 2021-22	Adopted Budget 2022-23	Revised Budget 2022-23
Total Beginning Fund Balance	\$ 20,326,027	\$ 29,521,880	\$ 29,371,898	\$ 32,521,899
Revenues	129,973,192	126,974,994	125,658,061	127,778,817
Federal Relief Revenues for current costs	4,673,195	3,902,488	3,400,000	4,027,847
Federal Relief Revenues for new costs		5,443,165	6,270,499	5,949,046
Expenditures	120,777,339	127,877,463	130,869,041	131,854,440
Federal Relief Expenditures for new costs	4,673,195	5,443,165	6,270,499	5,949,046
Variance (Revenues - Expenditures)	9,195,853	3,000,019	(1,810,980)	(47,776)
Total Ending Fund Balance	\$ 29,521,880	\$ 32,521,899	\$ 27,560,918	\$ 32,474,123
Breakdown of Fund Balance Categories				
Nonspendable	\$ 382,338	\$ 254,436	\$ 382,338	\$ 254,436
Restricted	9,020,782	9,841,889	8,637,897	10,819,678
Committed	1,849,491	1,837,017	1,168,634	1,394,580
Assigned	5,081,823	1,810,980	-	-
Unassigned	13,187,446	18,777,577	17,372,049	20,005,429
Total Ending Fund Balance	\$ 29,521,880	\$ 32,521,899	\$ 27,560,918	\$ 32,474,123
Unassigned Fund Balance %	10.51%	14.08%	12.67%	14.52%

Other Resources

- [FY23 Revised Budget - Budget Unit Summary Report with comparison column to Adopted Budget](#)
- [FY23 Revised Budget - Staffing by Budget Unit](#)

Next Steps

- Recommendation to approve the FY 2023 Budget Revision, as presented.
- Begin building FY 2024 Budget with approved Revision and assumptions.

Thank You.



**Agenda III.C.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Ava Drobnick, student board representative

Date: February 2, 2023

Re: Student Board Representative Monthly Report

Receive a report from Ava Drobnick, student board representative.



**Agenda III.D.
February 9, 2023**

To: Board of Education
From: Dr. Theresa Battle, superintendent
Date: February 2, 2023
Re: Superintendent Report

Receive a report from Dr. Theresa Battle, superintendent.



**Agenda III.E.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Board Chair

Date: February 2, 2023

Re: Board Member Reports

Receive reports from board members.

School Board Minutes
 INDEPENDENT SCHOOL DISTRICT 191
 January 26, 2023

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

Directors Alt, Chester, Conner, Miller, Mursal, Werb, and Chair Hume were present. Superintendent Dr. Battle, Student Representative Ava Drobnick, administrators, staff and members of the public were also present. Attendance

Chair Hume welcomed the audience and asked Werb to lead the Pledge of Allegiance. Pledge of Allegiance

Moved by Miller, seconded by Werb, to approve the agenda. Moved by Hume, seconded by Miller, to remove Policy 104 from the agenda. The motion to amend the agenda carried unanimously (7, 0). The main motion to approve the agenda as amended carried unanimously (7, 0). Agenda

Recognition was given for individual or team that qualified for a state tournament, and individual or team that qualified for a national or global event/competition. Recognition

Received a report from the Student Performance and Achievement Committee about World's Best Workforce Kindergarten Readiness presented by Imina Oftedahl, Director of Curriculum, Instruction and Assessment, Carolyn Cherry, Ed.D., Early Learning Supervisor, Angie Tusa, VPK Teacher, Christine McDonald, Elementary Curriculum Coordinator, Tanya Meyer, Kindergarten Teacher (Harriet Bishop), and Angie Kachman, Kindergarten Teacher (Sky Oaks). Student Performance and Achievement Committee

Received a report about Sky Oaks Elementary and Hidden Valley Elementary schools from Dr. Chris Bellmont, Dr. Renee Brandner, Ms. Kristine Black, Ms. Leanne Collins, Ms. Nikki Harves, and Ms. Hodan Ibrahim. Reports

Received a report about the Strategic Dashboard and Profile of a Learner from Dr. Theresa Battle, Dr. Kathy Funston, Amy Piotrowski, Aaron Tinklenberg, and Imina Oftedahl.

Received reports from Chester on behalf of the Legislative Committee and ISD 917, Conner reported about AMSD, Miller reported about the Burnsville High School Hall of Fame, and Hume reported about the hearings at the capitol.

Moved by Alt, seconded by Chester, to approve the consent agenda:
 -Approve minutes of the regular board meeting on January 12, 2023. Consent Agenda Minutes

<p>-Approve personnel recommendations for Cynthia Lamb, Jule Andersen, Molly Lampone, Amy Yager, Katlin Ring, Catherine Schlichting, Brad Peltier, Edward Byrne, Erin O'Hara Stuart, Ibrahim Abdullahi, Madeline Stuart, Nicole Harves, Pamela Jensen, Robert Thompson, Robert Thompson, Janina Ortiz, Moriah Comb, Monica Gihl, Basra Hassan, Cassidy Solomon, Laurie Gayle, and Raha Somerville.</p>	Personnel Recommendations
<p>-Adopt a resolution to approve and accept donations as presented. -November payroll checks in the net amount of \$4,054,529.22. November claims to date, wire transfers and adjustments totaling \$7,608,910.89. Also, that the Board accepts November receipts of \$10,178,173.78 and investments for the General Fund, 2015A School Building Bonds, and OPEB of \$71,561,413.12 as of November 30, 2022.</p>	Donations checks, receipt, claims and investments
<p>-Accepts the Budget Analysis for the month ending November 30, 2022.</p>	Budget Analysis
<p>-Receive a report about the Listening Session on January 12, 2023.</p>	Listening Session
<p>-Approve, on a second reading basis, changes to Regulation 413: Administrative Regulation for Supporting Transgender and Gender-Expansive Students.</p>	Regulation 413
<p>- Approve, on a first reading basis, non-substantive changes to Policies 508: Extended School Year for Certain Students with Individualized Education Programs, 509: Enrollment of Nonresident Students, 517: Student Recruiting, 525: Violence Prevention, 528: Student Parental and Family, 529: Staff Notification, 532: Use of Peace Officers, 533: Wellness, 601: School District Curriculum, and 620: Credit for Learning.</p>	Policies
<p>-Approve the committee assignments, board appointments, and school assignments for 2023. The motion carried unanimously (7, 0).</p>	2023 Committee
<p>Moved by Chester, seconded by Werb, to approve the 2023 Pay Equity Report. The motion carried unanimously (7, 0).</p>	Pay Equity Report
<p>Moved by Conner, seconded by Chester, to approve, on a first reading basis, changes to Policy 515: Protection and Privacy of Student Records. The motion carried unanimously (7, 0).</p>	Policies
<p>Moved by Conner, seconded by Werb, to approve, on a first reading basis, changes to Policies 603: Curriculum Development, and 604: Instructional Curriculum. The motion carried unanimously (7, 0).</p>	
<p>Moved by Alt, seconded by Miller, to approve, on a first reading basis, changes to Policy 208: Development, Adoption, and Implementation of Policies. The motion carried unanimously (7, 0).</p>	
<p>Moved by Miller, seconded by Conner, to approve, on a first reading basis, changes to Policy 206: Public Participation in School Board Deliberations. The motion carried after discussion (6, 1 with Chester, Mursal, Werb, Conner, Miller and Alt voting in favor and Hume voting against.).</p>	
<p>Moved by Conner, seconded by Miller, to appoint Director Lesley Chester</p>	Intermediate

as a School Board Member of Intermediate School District 917, to represent Independent School District No. 191, for a term which will end on December 31, 2024. The motion carried unanimously after discussion (7, 0).

School District 917

Moved by Alt, seconded by Miller, to adjourn at 9:34 p.m. to a closed session, as permitted by Minn. Stat. 13D.05, Subd. 3(a), for the Mid-Year Superintendent Evaluation. The motion carried unanimously (7, 0).

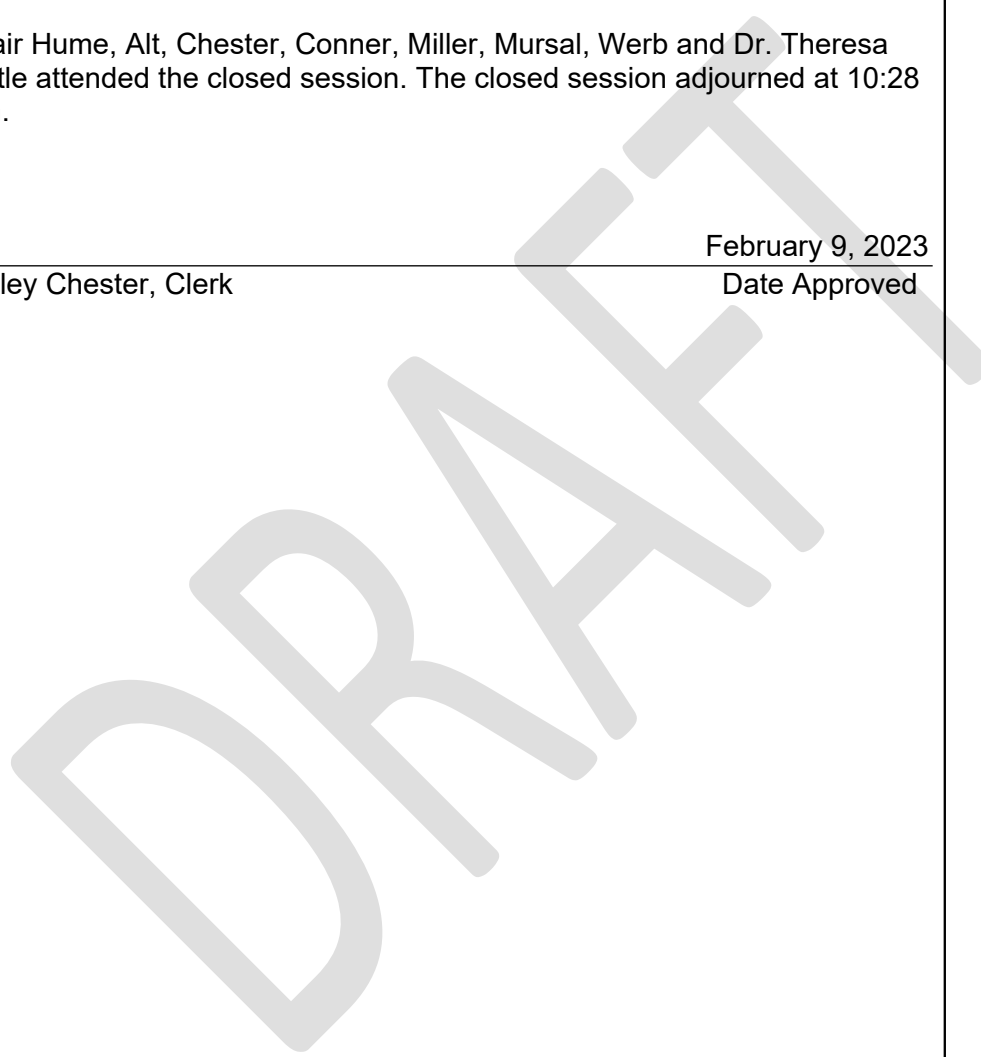
Adjourn to a Closed Session

Chair Hume, Alt, Chester, Conner, Miller, Mursal, Werb and Dr. Theresa Battle attended the closed session. The closed session adjourned at 10:28 p.m.

February 9, 2023

Lesley Chester, Clerk

Date Approved



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

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

FROM: Stacey Sovine, Executive Director of Administrative Services

DATE: February 23, 2023

CLASSIFICATION	ACTION	POSITION CONTROL	NAME	FINAL LOCATION	POSITION	EFFECTIVE DATE	HOURS / FTE
Certified	Appointment		Brian Nacey	Nicollet Middle School	Long Term Substitute Teacher	01/17/2023	1.0 FTE
Certified	Leave of Absence		Amanda Exley	Hidden Valley Elementary	RN Nurse	2022-2023 School Year	.2 FTE *Correction
Classified	Appointment		Beth Proctor	Nicollet Middle School	Boys Track Coach Assistant	Spring Season	Stipend
Classified	Appointment		Dawndra Broge	Diamondhead Education Center	Interim Coordinator of Multilingual Services	02/16/2023	8 hours/day
Classified	Appointment		Hayley Shibley	Nicollet Middle School	Tennis Coach Head	Spring Season	Stipend
Classified	Appointment		Julio Neptuno Temozan	Nicollet Middle School	Boys Track Coach Head	Spring Season	Stipend
Classified	Appointment		Melanie Liyanage	Harriet Bishop Elementary	Clerical	08/01/2023	8 hours/day
Classified	Appointment		Nancy Anderson	WM. Byrne Elementary School	Educational Assistant	02/16/2023	2.5 hours/day
Classified	Appointment		Robert Thompson	Nicollet Middle School	Girls Track Coach Head	Spring Season	Stipend
Classified	Change of Assignment		Nick Sanborn	Edward Neill Elementary	Community Education Coordinator 1	02/15/2023	8 hours/day
Classified	Leave of Absence		Hailey Busker	Diamondhead Education Center	HR Coordinator	02/17/2023-04/02/2023	8 hours/day
Classified	Resignation		Melanie Liyanage	Harriet Bishop Elementary	Educational Assistant	06/09/2023	5 hours/day
Classified	Resignation		Thomas Hewett	Burnsville High School	Golf Coach Assistant	Spring Season	Stipend



**Agenda IV.A.3.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Tyler Dehne, director of finance

Date: February 2, 2023

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 January 26, 2023.

Clerk – Board of Education

Date	Donor	Recipient	Terms	Donation
1/16/2023	Minnesota State	Burnsville High School	This grant supports equipment purchases for the CNA Pathway at Burnsville High School.	\$5,000
1/10/2023	Greater Twin Cities United Way	District 191	Stipend for hosting Greater Twin Cities United Way's Community of Practice	\$2,000

Total monetary donation received: \$7,000.00



**Agenda IV.A.4.
February 9, 2023**

To: Board of Education

From: Dr. Theresa Battle, superintendent

Date: February 2, 2023

Re: Report about the Listening Session

Recommendation: Receive a report about the Listening Session on January 26, 2023.

No one spoke at the listening session on January 26, 2023.

**Agenda IV.A.5.
February 9, 2023**

To: Board of Education

From: Dr. Theresa Battle, superintendent, Stacey Sovine, executive director of administrative services, Dr. Chris Bellmont, assistant superintendent, Amy Piotrowski, director of student support services, and Imina Oftedahl, director of curriculum, instruction and assessment

Date: February 2, 2023

Re: Policies 508: *Extended School Year for Certain Students with Individualized Education Programs*, 509: *Enrollment of Nonresident Students*, 517: *Student Recruiting*, 525: *Violence Prevention*, 528: *Student Parental and Family*, 529: *Staff Notification*, 532: *Use of Peace Officers*, 533: *Wellness*, 601: *School District Curriculum*, and 620: *Credit for Learning*

Recommendation: Approve, on a second reading basis, non-substantive changes to Policies 508: *Extended School Year for Certain Students with Individualized Education Programs*, 509: *Enrollment of Nonresident Students*, 517: *Student Recruiting*, 525: *Violence Prevention*, 528: *Student Parental and Family*, 529: *Staff Notification*, 532: *Use of Peace Officers*, 533: *Wellness*, 601: *School District Curriculum*, and 620: *Credit for Learning*.

The policies were reviewed by the Policy Review Committee on December 20, 2022. The first reading was approved by the Board on January 26, 2023.

- Policy 508 – MSBA updated list of annual review policies. The administration removed redundant text.
- Policy 509 – MSBA update legal references and text
- Policy 517 - MSBA remove Service Manual
- Policy 525 – MSBA updated legal references.
- Policy 528 – MSBA updated references
- Policy 529 – MSBA updated references
- Policy 532 – MSBA update legal references
- Policy 533 – MSBA update references
- Policy 601 – MSBA updated legal references and text
- Policy 620 – MSBA updated legal references

Adopted: 12/3/2015
 Reviewed: 1/26/2023
 Revised: 2/9/2023
 Rescinds:

Burnsville-Eagan-Savage School District Policy 508

508 EXTENDED SCHOOL YEAR FOR CERTAIN STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS

I. PURPOSE

The purpose of this policy is to ensure that Independent School District 191 complies with the overall requirements of law as mandated for certain students subject to individualized education program (IEP) plans when necessary to provide a free appropriate public education (FAPE).

II. GENERAL STATEMENT OF POLICY

- A. Extended School Year Services Must Be Available to Provide a FAPE. The District shall provide extended school year (ESY) services to a student who is the subject of an IEP if the student's IEP team determines the services are necessary during a break in instruction in order to provide a FAPE.
- B. Extended School Year Determination. At least annually, the IEP team must determine that a student is in need of ESY services if the student meets any of the following conditions:
1. There will be significant regression of a skill or acquired knowledge from the student's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate; OR
 2. Services are necessary for the student to achieve a reasonable degree of personal independence or self-sufficiency typically identified in the annual IEP goals for a student requiring a functional curriculum because of the critical nature of the skill addressed by an annual goal, the student's age and level of development, and the timeliness for teaching the skill; OR
 3. The IEP team otherwise determines, given the student's unique needs, that ESY services are necessary to ensure the pupil receives a FAPE.
- C. Required Factors Schools Must Consider in Making ESY Determinations. The IEP team must decide ESY eligibility using information including:
1. Prior observations of the student's regression and recoupment over the summer;

2. Observations of the student's tendency to regress over extended breaks in instruction during the school year; and
 3. Experience with other students with similar instructional needs.
- D. Additional Factors to Consider, Where Relevant. In making its determination of ESY needs, the following factors must be considered, where relevant:
1. The student's progress and maintenance of skills during the regular school year.
 2. The student's degree of impairment.
 3. The student's rate of progress.
 4. The student's behavioral or physical problems.
 5. The availability of alternative resources.
 6. The student's ability and need to interact with nondisabled peers.
 7. The areas of the student's curriculum which need continuous attention.
 8. The student's vocational needs.
- E. No Unilateral Decisions. In the course of providing ESY services to children with disabilities, the school district may not unilaterally limit the type, amount, or duration of those services.
- F. Services to Nonresident Students Temporarily Placed in School District. A school district may provide ESY services to nonresident children with disabilities temporarily placed in the school district in accordance with applicable state law.

Legal References: Minn. Stat. § 125A.14 (Extended School Year)
 Minn. Rules Part 3525.0755
 20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education)
 34 C.F.R. Part 300 (Assistance to States for the Education of Children with Disabilities)

Cross References: None

Adopted: 04/23/2015
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds:

Burnsville-Eagan-Savage School District Policy 509

509 ENROLLMENT OF NONRESIDENT STUDENTS

I. PURPOSE

The school district desires to participate in the Enrollment Options Program established by Minnesota Statutes section 124D.03. The purpose of this policy is to set forth the application and exclusion procedures used by the school district in making said determination.

II. GENERAL STATEMENT OF POLICY

- A. Eligibility. Applications for enrollment under the Enrollment Options (Open Enrollment) Law will be approved provided that acceptance of the application will not exceed the capacity of a program, excluding special education services; class; grade level; or school building as established by school board resolution and provided that:
1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
 2. in considering the capacity of a grade level, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of: (a) one percent of the total enrollment at each grade level in the school district; or (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with Minnesota Statutes section 124D.03.
 3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.
- B. Standards that may be used for rejection of application. In addition to the provisions of Paragraph II.A., the school district may refuse to allow a pupil who is expelled under Minnesota Statutes section 121A.45 to enroll during the term of the expulsion if the student was expelled for:
1. possessing a dangerous weapon, including a weapon, device, instruments, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, with the exception of a pocket knife with a blade less than two and one-half inches in length, at school or a school function;

2. possessing or using an illegal drug at school or a school function;
 3. selling or soliciting the sale of a controlled substance while at school or a school function; or
 4. committing a third-degree assault involving assaulting another and inflicting substantial bodily harm.
- C. Standards that may not be used for rejection of application. The school district may not use the following standards in determining whether to accept or reject an application for open enrollment:
1. previous academic achievement of a student;
 2. athletic or extracurricular ability of a student;
 3. disabling conditions of a student;
 4. a student's proficiency in the English language;
 5. the student's district of residence except where the district of residence is directly included in an enrollment options strategy included in an approved achievement and integration program; or
 6. previous disciplinary proceedings involving the student. This shall not preclude the school district from proceeding with exclusion as set out in Section F. of this policy.
- D. Application. The student and parent or guardian must complete and submit a School District Enrollment Options Program application developed by the Minnesota Department of Education and available on their website (education.mn.gov). Go to "Students and Families," then, under "School Choice," select "Open Enrollment." The form is entitled, "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education."
- E. Lotteries. If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality (a statutory or home rule charter city or town) where:
1. the student's resident district does not operate a school building;
 2. the municipality is located partially or fully within the boundaries of at least five school districts;

3. the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
4. no other nonresident, independent, special, or common school district operates a school building within the municipality.

The process for the school district lottery must be established by school board policy and posted on the school district's website. (Refer to 509R: Enrollment of Nonresident Students for the Variance/Open Enrollment process.)

F. Exclusion

1. Administrator's initial determination. If a school district administrator or the administrator designee knows or has reason to believe that an applicant has engaged in conduct that has subjected or could subject the applicant to expulsion or exclusion under law or school district policy, the administrator or the administrator designee will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should be initiated.
2. Superintendent's review. The superintendent or the superintendent's designee may make further inquiries. If the superintendent or designee determines that the applicant should be admitted, he or she will notify the applicant and the school board chair. If the superintendent or designee determines that the applicant should be excluded, the superintendent or designee will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, other than as set forth in II.B., the school district reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

G. Termination of Enrollment

1. The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minnesota Statutes section 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under Minnesota Chapter 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 17 years of age who is absent from attendance at school without lawful excuse for seven school days in a school year if the child is in elementary school or for one or more class periods on seven school days in a school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days in a school year and who has not lawfully withdrawn from school under Minnesota Statutes section 120A.22, Subd. 8.

2. The school district may also terminate the enrollment of a nonresident student over 17 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under Minnesota Statutes section 120A.22, subdivision 8.
 3. A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the school district will send to the student's parents a written notice of the school district's belief that the student is not a resident of the school district. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the superintendent's designee. The superintendent or the superintendent's designee will make the final determination as to the residency status of the student.
- H. Notwithstanding the requirement that an application must be approved by the board of the nonresident district, a student who has been enrolled in a district, who is identified as homeless, and whose parent or legal guardian moves to another district, or who is placed in foster care in another school district, may continue to enroll in the nonresident district without the approval of the board of the nonresident district. The approval of the board of the student's resident district is not required.

Legal References: Minn. Stat. § 120A.22, Subd. 3(e) (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (School Board Approval to Enroll in Nonresident District; Exceptions)
Minn. Stat. § 124D.68 (High School Graduation Incentives Program)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. § 260C.007, Subd. 19 (Definitions)
Minn. Op. Atty. Gen. 169-f (Aug. 13, 1986)
Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ., Co. No. A05-361, 2005 WL 3111963 (Minn. Ct. App. 2005) (unpublished)

Cross References: Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
Burnsville-Eagan-Savage School District Policy 517 (Student Recruiting)
Burnsville-Eagan-Savage School District Regulation 509

Adopted: 4/1981
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds: IGDK

Burnsville-Eagan-Savage School District Policy 517

517 STUDENT RECRUITING

I. PURPOSE

The purpose of this policy is to prevent school district employees from exerting undue influence for purposes of securing or retaining the attendance of a student in a school.

II. GENERAL STATEMENT OF POLICY

- A. The school district encourages employees to make available to all interested people information regarding the school district, its schools, programs, policies, and procedures. The purpose of such activity is to assist in the process of fully informed decision-making regarding school enrollment and to enhance the visibility and image of the school district.
- B. At the same time, the school district recognizes that the scope of such activity is limited by statutory authority and bylaws of the Minnesota State High School League. Accordingly, a violation of this policy occurs when employees exert undue influence for purposes of securing or retaining the attendance of a student in a school or to compete with another school district for the enrollment of students.
- C. Employees are further prohibited from encouraging others to engage in such conduct on behalf of the school district.

III. DEFINITION

- A. The terms, “undue influence” or “competing for enrollment,” shall include initiating any oral or written contact with a student from another school district who participates in a school-sponsored sport or activity which solicits the student’s transfer to participate in a sport or activity.
- B. The terms shall also include the awarding of tuition, allowance for board and/or room, allowance for transportation, priority in assignments of jobs, cash or gifts in any form, or any other privilege or consideration if not similarly available to all students.

IV. PROCEDURES

- A. The school board shall adopt, by resolution, specific standards for acceptance and rejection of applications for open enrollment. Standards may include the capacity of a program, class, school building, or the statutory limits to nonresident

enrollment in a particular grade level, or whether the student is currently expelled for (1) possessing a dangerous weapon, as defined under federal law, at a school or school function; (2) possession or using an illegal drug at school or at a school function; (3) selling or soliciting the sale of a controlled substance while at school or at a school function; or committing a first, second or third degree assault as described in state law. Standards for acceptance and rejection of open-enrollment applications are subject to the Graduation Incentives Program and may not include previous academic achievement, athletic or other extracurricular ability, disabling conditions, proficiency in the English language, previous disciplinary proceedings, or the student's district of residence.

- B. Employees who violate the provisions of the policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, school district policies, and the bylaws of the Minnesota High School League, as applicable.

Legal References: Minn. Stat. § 124D.03 (Enrollment Options Program)
 Minn. Stat. § 124D.68 (Graduation Incentives Program)
 Minnesota State High School League Bylaws

Cross References: Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)
 Burnsville-Eagan-Savage School District Policy 509 (Enrollment of Nonresident Students)

Adopted: 10/22/2015
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds:

Burnsville-Eagan-Savage School District Policy 525

525 VIOLENCE PREVENTION

I. PURPOSE

The purpose of this policy is to identify measures that the school district will take in an attempt to maintain a learning and working environment that is free from violent and disruptive behavior.

The school board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities and on school grounds, buses, or field trips while under school district supervision.

II. GENERAL STATEMENT OF POLICY

- A. The school district will enforce its weapons policy.
- B. The school district will act promptly in investigating all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- C. The administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the school board for review and adoption.
- D. The school district will implement violence prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

III. IMPLEMENTATION OF POLICY

- A. The school board will review and approve policies to prevent and address violence in our schools. The superintendent or designee will develop procedures to effectively implement the school weapons and violence prevention policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.
- B. The school board and administration will inform staff and students annually of

policies and procedures related to violence prevention and weapons.

- C. The school district will act promptly to investigate all acts and formal and informal complaints of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- D. The consequences set forth in the school weapons policy (Policy 501) will be imposed upon any student or nonstudent who possesses, uses or distributes a weapon when in a school location.
- E. The consequences set forth in the school hazing policy (Policy 526) will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.
- F. Students who engage in assault or violent behavior will be removed from the classroom immediately and for a period of time deemed appropriate by the principal, in consultation with the teacher, pursuant to the student discipline policy (Policy 506).
- G. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.
- H. Procedures will be developed for the referral of any person in violation of this policy or the weapons policy to the local law enforcement agency in accordance with Minnesota Statutes section 121A.05.
- I. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial, or sexual harassment or violence against other individuals as defined in the harassment and violence policy (Policy 413) will be subject to the procedures set forth in the student dress and appearance policy (Policy 504). “Gang” as used in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. A “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

- J. This policy is not intended to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, denote gang affiliation, advocate harassment or violence against others, are likely to disrupt the education process, or cause others to react in a violent or illegal manner (Policy 504).

IV. PREVENTION STRATEGIES

The school district will implement prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence. Strategies will include but are not limited to:

- A. Maintain a district crisis management policy to address potential violent crisis situations in the district.
- B. Provide training in recognition, prevention, and safe responses to violence and development of a positive school climate.
- C. In-service training for personnel in aspects of reporting, visibility, and supervision as deterrents to violence.
- D. Promote student safety responsibility by encouraging the reporting of suspicious individuals and unusual activities on school grounds.
- E. In-service training for personnel and school board members by experts familiar with sexual abuse, domestic violence, and personal safety issues on the following: helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways; responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and/or complying with mandatory reporting requirements under the Maltreatment of Minors Reporting Act.
- F. Establish clear school rules that prevent and deter violence.
- G. Develop cross-cultural awareness programs to unify students of all cultures and backgrounds, to develop mutual respect and understanding of shared experiences and values among students, and to promote the message of inclusion.
- H. Develop a student photo or name identification system for quick identification of the student in case of emergency.
- I. Develop a staff photo or name identification system using identification badges for quick identification of unauthorized people on campus.
- J. Require all visitors to check-in the main office upon their arrival and state their

business at the school. A visitor badge may be issued for easy identification that the visitor is authorized to be present in the school building.

- K. Develop curriculum on child sexual abuse prevention for students, including age appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. The curriculum may be created in consultation with federal, state, and local agencies and community-based organizations, including the Child Wellness Information Gateway website (<https://www.childwelfare.gov>) maintained by the United States Department of Health and Human Services, to identify research-based tools, curricula, and programs to prevent child sexual abuse.
- L. Provide training to all school personnel on recognizing and preventing sexual abuse and sexual violence which may include training on mandatory reporting requirements provided on the Department of Education's website and reviewing the Code of Ethics for Minnesota Teachers.

V. STUDENT SUPPORT

- A. Students will have access to school-based student service professionals, when available, including counselors, nurses, social workers, and psychologists who are knowledgeable in methods to assist students with violence prevention and intervention.
- B. Students will be apprised of school board policies designed to protect their personal safety.
- C. Students will be provided with information as to school district and building rules regarding weapons and violence.
- D. Students will be informed of resources for violence prevention and proper reporting.

VI. PERSONNEL

- A. School district personnel shall comply with all policies related to violence prevention.
- B. School district personnel shall be knowledgeable of violence prevention policies and report any violation to school administration immediately. School district personnel will be informed annually as to school district and building rules regarding weapons and violence prevention.
- C. School district personnel or agents of the school district shall not engage in emotionally abusive acts including malicious shouting, ridicule, and/or threats or other forms of corporal punishment (Policy 507).

- Legal References:**
- Minn. Stat. § 13.43, Subd. 16 (Personnel Data)
 - Minn. Stat. § 120B.22 (Violence Prevention Education)
 - Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
 - Minn. Stat. § 121A.035 (Crisis Management Policy)
 - Minn. Stat. § 120B.232 (Character Development Education)
 - Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)
 - Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
 - Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
 - Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
 - Minn. Stat. § 121A.64 (Notification)
 - Minn. Stat. § 121A.69 (Hazing Policy)
 - Minn. Stat. § 181.967, Subd. 5 (School District Disclosure of Violence or Inappropriate Sexual Contact)
 - 18 U.S.C. § 921 (Definition of Firearm)
 - 20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act of 2004)
 - 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
 - Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
 - Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8th Cir. 1997)
 - McIntire v. Bethel School*, 804 F.Supp. 1415, 78 Educ. L.Rep. 828 (W.D. Okla. 1992)
 - Olesen v. Board of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820, 44 Educ. L.Rep. 205 (N.D. Ill. 1987)
- Cross References:**
- Burnsville-Eagan-Savage School District Policy 413 (Harassment and Violence)
 - Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)
 - Burnsville-Eagan-Savage School District Policy 501 (School Weapons Policy)
 - Burnsville-Eagan-Savage School District Policy 504 (Student Dress and Appearance)
 - Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
 - Burnsville-Eagan-Savage School District Policy 507 (Corporal Punishment)
 - Burnsville-Eagan-Savage School District Policy 514 (Bullying Prohibition Policy)
 - Burnsville-Eagan-Savage School District Policy 526 (Hazing Prohibition)
 - Burnsville-Eagan-Savage School District Policy 529 (Staff Notification of Violent Behavior by Students)

Adopted: 1/1986
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds: JFE, JFF

Burnsville-Eagan-Savage School District Policy 528

**528 STUDENT PARENTAL, FAMILY, AND MARITAL STATUS
 NONDISCRIMINATION**

I. PURPOSE

Students are protected from discrimination on the basis of sex and marital status pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. This includes discrimination on the basis of pregnancy. The purpose of this school district policy is to provide equal educational opportunity for all students and to prohibit discrimination on the grounds of sex, parental, family, or marital status.

II. GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students, and will not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.
- B. The school district will not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such students' pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity.
- C. The school district may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
- D. The school district will ensure that any separate and voluntary instructional program is comparable to that offered to non-pregnant students.
- E. The school board has designated Hailey Busker, Human Resource Coordinator, 200 West Burnsville Parkway, Burnsville, MN, 55337, 952-707-2011, hbusker@isd191.org as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- F. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be

referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

- G. Any reports of unlawful discrimination under this policy will be handled, investigated, and acted upon in the manner specified in Policy 522 – Student Sex Nondiscrimination.
- H. Every school district employee shall be responsible for complying with this policy.

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
 34 C.F.R. Part 106 (Implementing Regulations of Title IX)

Cross References: Burnsville-Eagan-Savage School District Policy 102 (Equal Educational Opportunity)
 Burnsville-Eagan-Savage School District Policy 413 (Harassment and Violence)
 Burnsville-Eagan-Savage School District Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)

Adopted: 10/22/2015
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds: GBEAD

Burnsville-Eagan-Savage School District Policy 529

529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

In an effort to provide a safe school environment, the assigned classroom teacher and certain staff members should know whether a student to be placed in the classroom has a history of violent behavior. Additionally, decisions should be made regarding how to interact with such a student.

The purpose of this policy is to address the circumstances in which private student data should be provided to classroom teachers and other school staff members about students with a history of violent behavior and to establish a procedure for notifying staff regarding the assignment of students with a history of violent behavior.

II. GENERAL STATEMENT OF POLICY

- A. Any staff member or other employee of the school district who obtains or possesses information concerning a student in the building with a history of violent behavior shall immediately report said information to the principal of the building in which the student attends school.
- B. The administration will meet with the assigned classroom teacher and other appropriate staff members for the purpose of notifying and determining how staff will interact with such student.
- C. Only staff members who have a legitimate educational interest in the information will receive notification.

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them.

A. Administration

“Administration” means the superintendent, building principal, or other designee.

B. Classroom Teacher

“Classroom Teacher” means the instructional personnel responsible for the course or room to which a student is assigned at any given time, including a substitute hired in place of the classroom teacher.

C. History of Violent Behavior

1. A student will be considered to have a history of violent behavior if incident(s) of violence, including any documented physical assault of a school district employee by the student, have occurred during the current or previous school year.
2. If a student has an incident of violence during the current or previous school year, that incident and all other past related or similar incidents of violence will be reported.

D. Incident(s) of Violence

“Incident(s) of violence” means willful conduct in which a student endangers or causes physical injury to the student, other students, a school district employee, or surrounding person(s) or endangers or causes significant damage to school district property, regardless of whether related to a disability or whether discipline was imposed.

E. Legitimate Educational Interest

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

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

F. School Staff Member

“School Staff Member” includes:

1. A person duly elected to the school board;
2. A person employed by the school board in an administrative, supervisory, instructional, or other professional position;
3. A person employed by the school board as a temporary substitute in a

professional position for the period of his or her performance as a substitute; and

4. A person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

IV. PROCEDURE FOR STAFF NOTIFICATION OF STUDENTS WITH VIOLENT BEHAVIOR

A. Reports of Violent Behavior

Any staff member or other employee of the school district who becomes aware of any information regarding the violent behavior of an enrolling student or any student enrolled in the school district shall immediately report the information to the building principal where the student is enrolled or seeks to enroll.

B. Recipients of Notice

Each classroom teacher of a student with a history of violent behavior (see Section III.C., above) will receive written notification from the administration prior to assignment of the student in the teacher's classroom. In addition, written notice will be given by the administration to other school staff members who have a legitimate educational interest, as defined in this policy, when a student with a history of violent behavior is assigned to a teacher's classroom. The administration will provide notice to anyone substituting for the classroom teacher or school staff member, who has received notice under this policy, that the substitute will be overseeing a student with a history of violent behavior.

The administration may provide other school district employees or individuals outside of the school district with information regarding a student, including information regarding a student's history of violent behavior, in accordance with Policy 515, Protection and Privacy of Pupil Records.

C. Determination of Who Receives Notice

The determination of which classroom teachers and school staff members have a legitimate educational interest in information regarding a student with a history of violent behavior will be made by either: (1) the school district's Responsible Authority appointed by the school board under the Minnesota Government Data Practices Act or (2) the administration. In the event the administration makes this determination, the Responsible Authority will provide guidance to the administration as to what data will be shared.

D. Form of Written Notice

The notice given to classroom teachers and school staff members will be in

writing and will include the following:

1. Name of the student;
2. Date of notice;
3. Notification that the student has been identified as a student with a history of violent behavior as defined in Section III. of this policy; and
4. Reminder of the private nature of the data provided.

E. Record of Notice

1. The administration will retain a copy of the notice or other documentation provided to classroom teachers and school staff members notified under this section.
2. Retention of the written notice or other documentation provided to classroom teachers and school staff members is governed by the approved Records Retention Schedule.

F. Meetings Regarding Students with a History of Violent Behavior

1. If the administration determines, in his or her discretion, that the classroom teacher and/or school staff members with a legitimate educational interest in such data reasonably require access to the details regarding a student's history of violent behavior for purposes of school safety and/or intervention services for the student, the administration also may convene a meeting to share and discuss such data.
2. The persons present at the meeting may have access to the data described in Section IV.D., above.

G. Law Enforcement Reports

Staff members will be provided with notice of disposition orders or law enforcement reports received by the school district in accordance with Policy 515, Protection and Privacy of Pupil Records. Where appropriate, information obtained from disposition orders or law enforcement reports also may be included in a Notification of Violent Behavior.

V. MAINTENANCE AND TRANSFER OF RECORDS

A report, notice, or documentation pertaining to a student with a history of violent behavior are educational records of a student and will be retained, maintained, and transferred to a school or school district in which a student seeks to enroll in accordance with Policy 515, Protection and Privacy of Pupil Records.

VI. PARENTAL OR GUARDIAN NOTICE

- A. The administration will notify parents or guardians annually that the school district gives classroom teachers and other school staff members notice about students' history of violent behavior.
- B. Prior to providing the written notice of a student's violent behavior to classroom teachers and/or school staff members, the administration will inform the student's parent or guardian that such notice will be provided.
- C. Parents or guardians will be given notice that they have the right to review and challenge records or data, including the data documenting the history of violent behavior, in accordance with Policy 515, Protection and Privacy of Pupil Records.

VII. PROFESSIONAL DEVELOPMENT NEEDS

Representatives of the school board and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training which may include training on conflict resolution and positive behavior intervention support and may discuss necessary intervention services such as student behavioral assessments.

Legal References: Minn. Stat. Ch. 13 (Compulsory Instruction)
 Minn. Stat. § 120A.22, Subd. 7 (School Attendance - Education Records)
 Minn. Stat. § 121A.45 (Grounds for Dismissal)
 Minn. Stat. § 121A.64 (Notification Teachers' Legitimate Educational Interest)
 Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
 Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
 34 C.F.R. §§ 99.1-99.67 (Rules Implementing FERPA)
 Minn. Laws 2003, 1st Sp., Ch. 9, Art. 2, § 53

Cross References: 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: 1/26/2023
Revised: 2/9/2023
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. “Police liaison 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 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 and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minnesota Statutes Section 121A.58;

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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, wheelchairs, 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;
6. Physical holding (as defined in 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.

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 IEP, IIP 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 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)

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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 (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)
 34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

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)
 Burnsville-Eagan-Savage School District Policy 525 (Violence Prevention)
 Burnsville-Eagan-Savage School District Policy 806 (Crisis Management Policy)

Adopted: 6/2006

Burnsville-Eagan-Savage School District Policy 533

Reviewed: 1/26/2023

Revised: 2/9/2023

Rescinds: JFCI and JFCI-E

533 WELLNESS

I. PURPOSE

Independent School District 191 is committed to providing a school environment that promotes healthy behaviors and habits relating to nutrition and physical activity. Health and academic success are closely linked. Healthy students can better achieve our primary mission of education.

II. GENERAL STATEMENT OF POLICY

This policy will provide guidelines to create an optimal learning environment to support student health and well-being through education, healthy food choices, and physical activity so that students can develop skills and knowledge needed to maintain a healthy lifestyle. To achieve this purpose the Burnsville-Eagan-Savage School District will endeavor to:

- A. Establish nutrition guidelines for all food choices made available to students through the school district.
- B. Establish guidelines for students' physical activity.
- C. Ensure information is shared with staff, families, and the broader community to positively impact student health and to serve as role models for students.
- D. Ensure basic nutrition education and the importance of physical activity is incorporated into all levels of education.
- E. Ensure the school environment will promote student emotional health by providing a safe surrounding for students to grow emotionally and socially.

III. NUTRITION EDUCATION AND PROMOTION

Given that schools are well positioned to provide credible nutrition education, the Burnsville-Eagan-Savage School District will endeavor to:

- A. Provide evidence-based nutrition education through a well-articulated curriculum to promote and protect student health.

- B. Review the health curriculum, including nutrition education, to align with the established curriculum review cycle.
- C. Include nutrition education in all educational sites, including elementary grades and required secondary classes in health or other appropriate courses.
- D. Encourage enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing and opportunities for families and students to participate in at school and home.

IV. PHYSICAL ACTIVITY

Developing active, fit, and healthy students requires the integration of physical activity into school life. Quality Physical Education in conjunction with co-curricular activities and recess enables students to develop physical competence, health related fitness, personal responsibility, and enjoyment of movement so that they can be physically active for a lifetime. For purposes of this policy, physical activity is defined as any body movement produced by skeletal muscles which results in an expenditure of energy.

Recognizing the importance of physical activity to a learner's physical and emotional well-being and academic achievement, the Burnsville-Eagan-Savage School District will endeavor to:

- A. Provide evidence-based fitness information to students through a well-articulated curriculum.
- B. Promote a physically active lifestyle for students.
- C. Provide physical activity and/or physical educational opportunities for students in all grade levels.
- D. View physical activity as an educational support component for elementary students that should be provided on a regular basis and not withheld as a form of punishment or behavior management, i.e.: recess, physical education.
- E. Encourage staff to integrate physical activity into the curriculum whenever appropriate.
- F. Partner with nonprofit agencies, athletic clubs and organizations, city park, and recreation departments, and community education to more effectively articulate programs to families.
- G. Encourage families to be physically active with their children at home and in the community.
- H. Review the physical education curriculum regularly through the curriculum renewal cycle.

V. SOCIAL AND EMOTIONAL WELLNESS

Social and Emotional health is known to have an impact on an individual's overall well-being. The Burnsville-Eagan-Savage School District will endeavor to:

- A. Coordinate efforts with our community members (i.e. Public Health, Law Enforcement) to promote student wellness through prevention of high-risk behaviors.
- B. Encourage an environment where students feel safe to disclose issues of abuse.
- C. Encourage staff to act as role models for social and emotional health and well-being.

VI. COMMUNICATION WITH PARENTS

Parents and guardians have a primary role in promoting their children's health and well-being. Parents and caregivers provide the primary social environment in which children form attitudes and behaviors regarding eating, physical activity and emotional and social health and well-being. Parents create an environment for healthy eating modeling good eating habits. The Burnsville-Eagan-Savage School District will endeavor to:

- A. Support parents' efforts to provide daily physical activity for their children. Parents will be encouraged to create an environment conducive to an active lifestyle. The District will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.
- B. Encourage parents to pack healthy lunches and snacks.
- C. Support parent's efforts to provide emotional and social wellbeing for their children and to learn about the impact positive emotional well-being has on one's health.
- D. Inform parents of recommended state and local food safety and sanitation regulations.

VII. FOOD AND NUTRITION SERVICES PROGRAM

The Burnsville-Eagan-Savage School District recognizes that good nutrition during the school year is vitally important for helping children grow strong, succeed in school, and establish healthy habits for a lifetime. Studies suggest that healthy eating habits help students achieve their full academic potential and decrease discipline and emotional problems. School meals offer a variety of healthy choices that are tasty, attractive and of excellent quality that meet and/or exceed the nutrition standards established by the United States Department of Agriculture (USDA). Recognizing the importance of the impact of healthy eating habits on student success, the Burnsville-Eagan-Savage School District will endeavor to:

- A. Utilize marketing strategies to promote healthy food choices. Education regarding USDA standards is encouraged in school-based marketing of foods and beverages.

- B. Minimize barriers to apply for free and reduced-priced meals. Participation in school meal programs will be promoted. Parents will be notified of the availability of the breakfast, lunch and summer school food programs and will be encouraged to determine eligibility for reduced or free meals.
- C. Strive to prevent the overt identification of students who receive free and reduced-price school meals and use best efforts to eliminate any social stigma attached to eating school meals.
- D. Provide nutritional information per USDA standards.
- E. Provide accommodations for students with special dietary needs due to a chronic health condition.
- F. Provide adequate time for students to eat meals in a clean and monitored environment.
- G. Food Service personnel will provide reasonable accommodation to the religious, ethnic and cultural diversity of the student body in meal planning.

VIII. FOOD AND BEVERAGES

Good nutrition is linked to better learning, and the environments in which we live affect the food choices we make. Realizing that some beverages and food of minimal nutritional value can jeopardize a student's health and nutrition, the Burnsville-Eagan-Savage School District will endeavor to:

- A. Assure that all future food and beverage vending contracts are negotiated to include the following provisions:
 - 1. Elementary students will not have access to food and beverage vending machines at school.
 - 2. Secondary students may have access to vending machines with healthy food/beverage options that comply with USDA standards.
- B. Assure all school district sponsored programs that sell or serve foods and/or beverages comply with the school district wellness policy and USDA standards.
- C. Assure individuals and organizations that bring food and/or beverages for student consumption follow the district wellness policy and USDA standards.
- D. Minimize the use of food and/or beverages as a reward. If food and/or beverages are used as a reward, they should follow the district wellness policy.

- E. Discourage meetings or activities during mealtimes, unless students may eat during such activities.
- F. Promote hand washing or hand sanitizing before they eat meals or snacks.
- G. Requires that food served in school follow State Department of Health requirements to ensure food served is safe. Food may not be prepared and brought from home and distributed to students during the instructional parts of the day or as part of a classroom activity in school.

X. IMPLEMENTATION AND MONITORING

- A. The wellness policy will be implemented throughout the Burnsville-Eagan- Savage School District.
- B. Triennial Assessment at least once every three years the District will evaluate compliance with the Wellness Policy to assess the implementation of the Policy and create a report describing the progress made in attaining the goals and the extent to which the District's wellness policy compares to model local wellness policies
- C. The superintendent or designee will ensure compliance with this wellness policy and will provide a periodic assessment of compliance with the policy to the public.
- D. The Administrator of each school will ensure compliance within the school and will report regarding compliance matters upon request.
- E. School food and nutrition services staff will ensure that the school food and nutrition services program complies with the wellness policy and will report to the School Food and Nutrition Services Director or designee.
- F. The school board will review and revise this policy as necessary or appropriate.
- G. The school district will post this wellness policy on its website.
- H. Exemptions from this policy may be granted by the Board of Education upon recommendation of the Superintendent based upon the best interests of the District.

Legal References: Minn. Stat. § 121A.215 (Local School District Wellness Policy; Website)
 42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)
 42 U.S.C. § 1758b (Local School Wellness Policy)
 42 U.S.C. § 1771 *et seq.* (Child Nutrition Act)
 7 U.S.C. § 5341 (Establishment of Dietary Guidelines)
 7 C.F.R. § 210.10 (School Lunch Program Regulations)
 7 C.F.R. § 220.8 (School Breakfast Program Regulations)

Local Resources: Minnesota Department of Education, www.education.state.mn.us
 Minnesota Department of Health, www.health.state.mn.us
 County Health Departments
 Action for Healthy Kids Minnesota, www.actionforhealthykids.org
 United States Department of Agriculture, www.fns.usda.gov
[United States Department of Agriculture, www.fns.usda.gov/wic](http://www.fns.usda.gov/wic)
[Alliance for a Healthier Generation,](http://www.fns.usda.gov/wic)
<https://foodplanner.healthiergeneration.org/calculator/>

Cross References: Burnsville-Eagan-Savage School District Policy 105 (Equity, Access and Excellence in Education)
 Burnsville-Eagan-Savage School District Policy 417 (Chemical Use and Abuse)
 Burnsville-Eagan-Savage School District Policy 418 (Drug-Free Workplace/Drug-Free School)
 Burnsville-Eagan-Savage School District Policy 419 (Tobacco-Free Environment)
 Burnsville-Eagan-Savage School District Policy 420 (Students with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)
 Burnsville-Eagan-Savage School District Policy 530 (Immunization Requirements)

Adopted: 6/1986

Burnsville-Eagan-Savage School District Policy 601

Reviewed: 1/26/2023

Revised: 2/9/2023

Rescinds: IA-AE (rescinded on 9/2012 by Policy 104)

601 SCHOOL DISTRICT CURRICULUM AND INSTRUCTION GOALS

I. PURPOSE

The purpose of this policy is to establish broad curriculum parameters for the school district that encompass the Minnesota Graduation Standards and federal law and are aligned with creating the world's best workforce.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to establish the "world's best workforce" in which all learning in the school district should be directed and for which all school district learners should be held accountable in order to be real-world ready.

III. DEFINITIONS

- A. "Academic standard" means a summary description of student learning in a required content area or elective content area.
- B. "Benchmark" means specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.
- C. "Curriculum" means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, skills, and career and college readiness.
- D. "Instruction" means methods of providing learning experiences that enable students to meet state and district academic standards and graduation requirements.
- E. "Performance measures" are measures to determine school district and school site progress in striving to create the world's best workforce and must include at least the following:
 - 1. the size of the academic achievement gap and rigorous course taking, including college-level advanced placement, postsecondary enrollment options including concurrent enrollment, other statutorily recognized courses of study or industry certification courses or programs and enrichment experiences by student subgroup;
 - 2. student performance on the Minnesota Comprehensive Assessments;
 - 3. high school graduation rates; and

4. career and college readiness under Minnesota Statutes section 120B.30, subdivision 1.
- F. “World’s best workforce” means striving to: meet school readiness goals; have all third-grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.
 - G. “Experiential learning” means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.

IV. LONG-TERM STRATEGIC PLAN

- A. The school board, at a public meeting, shall adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with creating the world’s best workforce and includes the following:
 1. clearly defined school district and school site goals and benchmarks for instruction and student achievement for identified state and federal categories;
 2. a process to assess and evaluate each student’s progress toward meeting state and local academic standards, assess and identify students for participation in gifted and talented programs and accelerate their instruction, adopt procedures for early admission to kindergarten or first grade of gifted and talented learners which are sensitive to under-represented groups, and identifying the strengths and weaknesses of instruction affecting students’ progress and growth toward career and college readiness and leading to the world’s best workforce;
 3. a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes section 123B.147, subdivision 3, students’ access to effective teachers who are members of populations under-represented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under Minnesota Statutes section 120B.35, Subd. 3(b)(2), and teacher evaluations under Minnesota Statutes section 122A.40, subdivision 8, or 122A.41, subdivision 5; strategies for improving instruction, curriculum, and student achievement and, where practicable, the native language development and the academic achievement of English

learners;

4. a process to examine the equitable distribution of teachers and strategies to ensure low-income and minority children are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;
5. education effectiveness practices that integrate high-quality instruction, rigorous curriculum, technology, and a collaborative professional culture that develops and supports teacher quality, performance, and effectiveness; and;
6. an annual budget for continuing to implement the school district plan.

B. School district and school site goals will meet all state and federal requirements.

1. All students will be required to demonstrate essential skills to effectively participate in life long learning. These skills include: reading, writing, speaking, listening, and viewing in the English language;
2.
 - a. mathematical and scientific concepts;
 - b. locating, organizing, communicating, and evaluating information and developing methods of inquiry (i.e., problem solving);
 - c. creative and critical thinking, decision making, and study skills;
 - d. work readiness skills;
 - e. global and cultural understanding.
3. The criteria for acceptable performance in basic skills areas may need to be modified for students with unique learning needs. These modifications will be reflected in the Individualized Education Program (IEP) or Rehabilitation Act Section 504 Accommodation plan.

Legal References:

Minn. Stat. § 120B.018 (Definitions)
 Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)
 Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)
 Minn. Stat. § 120B.12 (Reading Proficiently no Later than the End of Grade 3)
 Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)
 Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)
 Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)
 Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)
 Minn. Stat. § 123B.147, Subd. 3 (Principals)
 Minn. Stat. § 125A.56, Subd. 1 (Alternate Instruction Required before

Assessment Referral)
20 U.S.C. § 5801, *et seq.* (National Education Goals)20
U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

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

Adopted: 4/1997
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds: IKF

Burnsville-Eagan-Savage School District Policy 620

620 CREDIT FOR LEARNING

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

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

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

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

IV. TRANSFER OF CREDIT FROM OTHER SCHOOLS

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

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

B. Transfer of Academic Requirements from Other Schools

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

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

V. POST-SECONDARY ENROLLMENT CREDIT

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

be counted toward the graduation and credit requirements of a student completing the Minnesota Academic Standards.

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

VI. CREDIT FROM ONLINE LEARNING COURSES

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

course credit and course grade shall be recorded and counted toward graduation credit requirements for all courses or programs that meet or exceed the school district's graduation requirements in the same manner as credits are awarded for students transferring from another Minnesota public school as set forth in Section IV.A. above.

VII. ADVANCED ACADEMIC CREDIT

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

VIII. CREDIT BY ASSESSMENT

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

IX. WEIGHTED GRADES

- A. The school district does not offer weighted grades.

- B. The district will use a dual-ranking system at the high school level, which allows students to be ranked separately by taking identified rigorous courses. All students can access identified rigorous classes at the high school level.

X. PROCESS FOR AWARDING CREDIT

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

Legal References: Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)Minn. Stat. § 120B.021 (Required Academic Standards)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)
Minn. Stat. § 120B.14 (Advanced Academic Credit)
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 123B.445 (Nonpublic Education Council)
Minn. Stat. § 124D.03, Subd. 9 (Enrollment Options Program)
Minn. Stat. § 124D.09 (Postsecondary Enrollment Options Act)
Minn. Stat. § 124D.095 (Online Learning Option)
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for

Language Arts)

Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)

Minn. Rules Parts 3501.0800. (Academic Standards for the Arts)Minn.

Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)Minn.

Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)

Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

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

**Agenda IV.A.6.
February 9, 2023**

To: Board of Education

From: Stacey Sovine, executive director of administrative services, Imina Oftedahl, director of curriculum, instruction and assessment, and Dr. Theresa Battle, superintendent

Date: February 2, 2023

Re: Policies 515: *Protection and Privacy of Student Records*, 603: *Curriculum Development*, 604: *Instructional Curriculum*, and 208: *Development, Adoption, and Implementation of Policies*

Recommendation: Approve, on a second reading basis, changes to Policies 515: *Protection and Privacy of Student Records*, 603: *Curriculum Development*, 604: *Instructional Curriculum*, and 208: *Development, Adoption, and Implementation of Policies*.

The policies were reviewed by the Policy Review Committee on December 20, 2022. The first reading was approved by the Board on January 26, 2023.

Summary of changes:

- Policy 515 - MSBA added “education support services data” The Policy Review Committee requested changing the word “pupil” to “student.”
- Policy 603 – MSBA added Parental Curriculum Review. The Policy Review Committee requested adding at least one parent “who is not also an employee of the school district.”
- Policy 604 – MSBA added Parental Curriculum Review. The Policy Review Committee requested to keep existing language. P. 604-2 V.A. The school district shall assist all students by grade 6 and no later than grade 9 to explore their college and career interests...”
- Policy 208 - MSBA updated list of annual review policies. The administration removed redundant text. The Policy Review Committee added “presenting all recommendations for change in ISD 191 policy to the school board for consideration. District Administrators are also responsible.”

Adopted: 1/86
 Reviewed: 1/26/2023
 Revised: 2/9/2023
 Rescinds: JO

Burnsville-Eagan-Savage School District Policy 515

515 PROTECTION AND PRIVACY OF STUDENT RECORDS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 United States Code section 1232g, et seq., (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes 13, and Minnesota Rules Parts 1205.0100-1205.2000.

III. DEFINITIONS

A. Authorized Representative

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

B. Biometric Record

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

C. Dates of Attendance

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

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

D. Directory Information

“Directory information” means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes: the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e. full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

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

E. Education Records

1. What constitutes “education records.” Education records means those records that are: (1) directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute education records. The term, “education

records,” does not include:

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

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

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

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

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

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

- e. Records created or received by the school district after an individual is no longer a student at the school district and that are not directly related to the individual's attendance as a student.
- f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes section 13.05 or a court order.

G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

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

- 1. Perform an administrative task required in the school or employee's

contract or position description approved by the school board;

2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid, or
4. Perform a task directly related to responding to a request for data.

J. Parent

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

K. Personally Identifiable

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

L. Record

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

M. Responsible Authority

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

N. Student

“Student” includes any individual who is or has been in attendance, enrolled, or

registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

O. School Official

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

P. Summary Data

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

Q. Other Terms and Phrases

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

IV. GENERAL CLASSIFICATION

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

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of

the student's privacy or other rights;

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

B. Eligible Students

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

C. Students with Disabilities

The school district shall follow 34 Code of Federal Regulations sections 300.610-300.617 with regard to the privacy, notice, access, record keeping and accuracy of information related to students with a disability.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated

by the parent of the student or the eligible student giving the consent and shall include:

- a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
- a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
 - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
- a. identifies and authenticates a particular person as the source of the electronic consent; and
 - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
- a. in plain language;
 - b. dated;
 - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - d. specific as to the nature of the information the subject is authorizing to be disclosed;
 - e. specific as to the persons or agencies to whom the subject is

authorizing information to be disclosed;

- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes Chapter 256B or Minnesota Care under Minnesota Statutes Chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

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

- 1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
- 2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
 - a. performs an institutional service or function for which the school district would otherwise use employees;
 - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
 - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the

information only for the purposes for which the disclosure was made,

3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, Burnsville-Eagan-Savage School District Policy 529 and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.

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

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:

- a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;
8. To accrediting organizations in order to carry out their accrediting functions;

9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 United States Code section 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as “directory information” pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - a. the following information about a student must be disclosed: a student’s full name; home address; telephone number; date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’ names, home addresses, and telephone numbers;
 - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student’s parent or guardian by certified mail of the request to disclose information. If the student’s parent

or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minnesota Statutes section 260B.171, subdivision 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;
20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minnesota Statutes § 260B.171, subdivision 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work

with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action;

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

C. Nonpublic School Students

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

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

VII. RELEASE OF DIRECTORY INFORMATION

A. Classification

Directory information is public except as provided herein.

B. Former Students

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

C. Present Students and Parents

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

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:

- a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
 - b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
 - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
 3. A parent or eligible student may not opt out of the directory information disclosures to:
 - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
 - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
 4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by student;

4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

B. Private Records Not Accessible to Parent

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

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
 - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;

- b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

D. Military-Connected Youth Identifier

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

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential Records

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

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes Chapter 260E, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual,

however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes Chapter 260E.

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

C. Investigative Data

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or that are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

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

limitations or agreement applicable to the civil legal action; or

- c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

- 5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

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

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

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

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

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

- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority, the superintendent of schools or designee in writing by September 15 each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
 2. Home address;
 3. Student's grade level;
 4. School presently attended by student;
 5. Parent's legal relationship to student, if applicable;
 6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
 7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

XII. LIMITS ON REDISCLOSURE

A. Redisclosure

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

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
 - a. The disclosures meet the requirements of Section VI. of this policy; and
 - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code section 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

C. Classification of Disclosed Data

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

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations section 99.31(a)(3),

or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

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

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

D. Review of Written Plan for Securing Student Records

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

E. Record Keeping

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

2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
 - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
 - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
 - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.

3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as

directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B) or an act of domestic or international terrorism.

4. The record of requests of disclosures may be inspected by:
 - a. the parent of the student or the eligible student;
 - b. the school official or his or her assistants who are responsible for the custody of the records; and
 - c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
 - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
 - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

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

D. Form of Request

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

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
 - a. the cost of materials, including paper, used to provide the copies;
 - b. the cost of the labor required to prepare the copies;
 - c. any schedule of standard copying charges established by the school district in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

XV. **REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

A. Request to Amend Education Records

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

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.

2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

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

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

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time

reasonably in advance of the hearing.

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

D. Appeal

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

XVI. PROBLEMS ACCESSING DATA

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

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

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

XVIII. WAIVER

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

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

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

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

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

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

C. Notification to Parents or Eligible Students Who are Disabled

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

XX. DESTRUCTION AND RETENTION OF RECORDS

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

XXI. COPIES OF POLICY

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.393 (Attorneys)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
Minn. Stat. Ch. 256L (MinnesotaCare)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Records)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
Minn. Stat. § 363A.42 (Public Records; Accessibility)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
18 U.S.C. § 2331 (Definitions)
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
25 U.S.C. § 5304 (Definitions – Tribal Organization)
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)

42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
 42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273 (2002)
 Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

Cross References: Burnsville-Eagan-Savage School District Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 Burnsville-Eagan-Savage School District Policy 417 (Chemical Use and Abuse)
 Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
 Burnsville-Eagan-Savage School District Policy 519 (Interviews of Students by Outside Agencies)
 Burnsville-Eagan-Savage School District Policy 520 (Student Surveys)
 Burnsville-Eagan-Savage School District Policy 711 (Video Recording on School Buses)
 Burnsville-Eagan-Savage School District Policy 722 (Public Data Requests)
 Burnsville-Eagan-Savage School District Policy 906 (Community Notification of Predatory Offenders)
 MSBA School Law Bulletin “I” (School Records – Privacy – Access to Data)

Adopted: 5/1985
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds: IF

Burnsville-Eagan-Savage School District Policy 603

603 CURRICULUM DEVELOPMENT

I. PURPOSE

The purpose of this policy is to provide direction for continuous review and improvement of the school curriculum.

II. GENERAL STATEMENT OF POLICY

Curriculum development shall be directed toward the fulfillment of the goals and objectives of the education program of the school district.

III. RESPONSIBILITY

The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research on the school district's curriculum needs and establishing a long-range curriculum development program. Timelines shall be determined by the superintendent that will provide for periodic reviews of each curriculum area.

IV. District Advisory Committee

- A. The school board shall establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.
- B. The district advisory committee, to the extent possible, shall reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. Whenever possible, parents and other community residents shall comprise at least two-thirds of advisory committee members.
- C. The district advisory committee shall pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with Minnesota Statutes section 124D.59, subdivisions 2 and 2a.
- D. The district may establish site teams as subcommittees of the district advisory committee.

- E. The district advisory committee shall recommend to the school board
 - 1. rigorous academic standards, student achievement goals and measures consistent with Minnesota Statutes section 120B.11, subdivision 1a, section 120B.022, subdivisions 1a and 1b, and section 120B.35,
 - 2. district assessments,
 - 3. means to improve students' equitable access to effective and more diverse teachers, and
 - 4. program evaluations.
- F. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs.

V. School Site Team

Each school must establish a site team to develop and implement strategies and education effectiveness practices to improve instruction, curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. The site team must include an equal number of teachers and administrators and at least one parent who is not also an employee of the school district. The site team advises the board and the advisory committee about developing the annual budget and creates an instruction and curriculum improvement plan to align curriculum, assessment of student progress, and growth in meeting state and district academic standards and instruction.

VI. Curriculum Development Process

- A. Within the ongoing process of curriculum development, the following needs shall be addressed:
 - 1. Provide for articulation of courses of study from kindergarten through grade twelve.
 - 2. Identify minimum objectives for each course and at each elementary grade level.
 - 3. Provide for continuing evaluation of programs for the purpose of attaining school district objectives.
 - 4. Provide a program for ongoing monitoring of student progress.
 - 5. Provide for specific, particular, and special needs of all members of the student community.
 - 6. Develop a local literacy plan to have every child reading at or above grade level no later than the end of grade 3, including English learners, and teachers providing comprehensive, scientifically based reading instruction consistent with law.

7. Integrate required and elective course standards in the scope and sequence of the district curriculum.
 8. Meet all applicable requirements of the Minnesota Department of Education and federal law.
- B. Students identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must be screened for characteristics of dyslexia. Students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher must be screened for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified. See Minnesota Statutes section 120B.12, Subd. 2.
 - C. Students who do not meet or exceed Minnesota academic standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of Minnesota Statutes section 120A.20, Subd. 1(c). A student's plan under this section shall continue while the student is enrolled.
 - D. The superintendent shall be responsible for keeping the school board informed of all state-mandated curriculum changes, as well as recommended discretionary changes, and for periodically presenting recommended modifications for school board review and approval.
 - E. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to curriculum development.

Legal References: Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)
Minn. Stat. § 120B.11 (School District Process)
Minn. Stat. § 120B.12 (Reading Proficiently No Later than the End of Grade 3)
Minn. Stat. § 120B.125(f) (Planning for Students' Successful Transition to Postsecondary Education and Employment)
Minn. Rules Part 3500.0550 (Inclusive Educational Program)
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Part 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

- Cross References:*** Burnsville Eagan Savage School District Policy 604 (Instructional Curriculum)
Burnsville Eagan Savage School District Policy 605 (Alternative Programs)
Burnsville Eagan Savage School District Policy 613 (Graduation Requirements)
Burnsville Eagan Savage School District Policy 614 (School District Testing Plan and Procedure)
Burnsville Eagan Savage School District Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
Burnsville Eagan Savage School District Policy 616 (School District System Accountability)
Burnsville Eagan Savage School District Policy 618 (Assessment of Student Achievement)
Burnsville Eagan Savage School District Policy 619 (Staff Development for Standards)
Burnsville Eagan Savage School District Policy 620 (Credit for Learning)
Burnsville Eagan Savage School District Policy 623 (Mandatory Summer School Instruction)

Adopted: 12/17/2015
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds:

Burnsville-Eagan-Savage School District Policy 604

604 INSTRUCTIONAL CURRICULUM

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Instruction must be provided in at least the following subject areas:
1. Language arts and basic communication skills including reading and writing, literature, and fine arts;
 2. Mathematics and science;
 3. Social studies, including history, geography, economics, government, and citizenship that includes civics (see II.I.);
 4. Health and physical education;
 5. The arts;
 6. Career and technical education; and
 7. World languages.
- B. The basic instructional program shall include all courses required for each grade level by the Minnesota Department of Education (MDE) and all courses required in all elective subject areas. The instructional approach will be nonsexist and multicultural.
- C. Elementary and middle schools shall offer at least three, and require at least two, of the following four art areas: dance, music, theater, and visual arts. High schools shall offer at least three, and require at least one, of the following five art areas: media arts, dance, music, theater, and visual arts.
- D. The school board, at its discretion, may offer additional courses in the instructional program at any grade level.
- E. Each instructional program shall be planned for optimal benefit taking into consideration the financial condition of the school district and other relevant

factors. Each program plan should contain goals and objectives, materials, minimum student competency levels, and methods for student evaluation.

- F. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to instructional curriculum.

III. PARENTAL CURRICULUM REVIEW

The school district shall have a procedure for a parent, guardian, or an adult student, 18 years of age or older, to review the content of the instructional materials to be provided to a minor child or to an adult student and, if the parent, guardian, or adult student objects to the content, to make reasonable arrangements with school personnel for alternative instruction. Alternative instruction may be provided by the parent, guardian, or adult student if the alternative instruction, if any, offered by the school board does not meet the concerns of the parent, guardian, or adult student. The school board is not required to pay for the costs of alternative instruction provided by a parent, guardian, or adult student. School personnel may not impose an academic or other penalty upon a student merely for arranging alternative instruction under this section. School personnel may evaluate and assess the quality of the student's work.

IV. CPR AND AED INSTRUCTION

The school district will provide onetime cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) instruction as part of its grade 7 to 12 curriculum.

- A. In the school district's discretion, training and instruction may result in CPR certification.
- B. CPR and AED instruction must include CPR and AED training that have been developed:
 1. by the American Heart Association or the American Red Cross and incorporate psychomotor skills to support the instruction; or
 2. using nationally recognized, evidence-based guidelines for CPR and incorporate psychomotor skills to support the instruction. "Psychomotor skills" means hands-on practice to support cognitive learning; it does not mean cognitive-only instruction and training.
- C. The school district may use community members such as emergency medical technicians, paramedics, police officers, firefighters, and representatives of the Minnesota Resuscitation Consortium, the American Heart Association, or the American Red Cross, among others, to provide instruction and training.
- D. A school administrator may waive this curriculum requirement for a high school transfer student regardless of whether or not the student previously received instruction under this section, an enrolled student absent on the day the instruction occurred under this section, or an eligible student who has a disability.

V. COLLEGE AND CAREER PLANNING

- A. The school district shall assist all students by grade 6 and no later than grade 9 to explore their educational college and career interests, aptitudes, and aspirations and develop a plan for a smooth and successful transition to postsecondary education or employment. All students' plans must:
1. provide a comprehensive plan to prepare for and complete career and college-ready curriculum by meeting state and local academic standards and developing career and employment-related skills such as teamwork, collaboration, creativity, communication, critical thinking, and good work habits;
 2. emphasize academic rigor and high expectations and inform the student, and the student's parent or guardian if the student is a minor, of the student's achievement level score on the Minnesota Comprehensive Assessments that are administered during high school;
 3. help students identify interests, aptitudes, aspirations, and personal learning styles that may affect their career and college-ready goals and postsecondary education and employment choices;
 4. set appropriate career and college-ready goals with timelines that identify effective means for achieving those goals;
 5. help students access education and career options;
 6. integrate strong academic content into career-focused courses and applied and experiential learning opportunities and integrate relevant career-focused courses and applied and experiential learning opportunities into strong academic content;
 7. help identify and access appropriate counseling and other supports and assistance that enable students to complete required coursework, prepare for postsecondary education and careers, and obtain information about postsecondary education costs and eligibility for financial aid and scholarship;
 8. help identify collaborative partnerships among pre-kindergarten through grade 12 schools, postsecondary institutions, economic development agencies, and local and regional employers that support students' transitions to postsecondary education and employment and provide students with applied and experiential learning opportunities; and
 9. be reviewed and revised at least annually by the student, the student's parent or guardian, and the school district to ensure that the student's course-taking schedule keeps the student making adequate progress to meet state and local academic standards and high school graduation requirements and with a reasonable chance to succeed with employment or postsecondary education without the need to first complete remedial course work.

- B. The school district may develop grade-level curricula or provide instruction that introduces students to various careers, but must not require any curriculum, instruction, or employment-related activity that obligates an elementary or secondary student to involuntarily select or pursue a career, career interest, employment goals, or related job training.
- C. Educators must possess the knowledge and skills to effectively teach all English learners in their classrooms. School districts must provide appropriate curriculum, targeted materials, professional development opportunities for educators, and sufficient resources to enable English learners to become career and college-ready.
- D. When assisting students in developing a plan for a smooth and successful transition to postsecondary education and employment, school districts must recognize the unique possibilities of each student and ensure that the contents of each student's plan reflect the student's unique talents, skills, and abilities as the student grows, develops, and learns.
- E. If a student with a disability has an Individualized Education Program (IEP) or standardized written plan that meets the plan components herein, the IEP satisfies the requirement, and no additional transition plan is needed.
- F. Students who do not meet or exceed the Minnesota Academic Standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of the compulsory attendance law. A student's plan under this provision shall continue while a student is enrolled.

VI. CIVICS TEST

- A. A student enrolling in a public school in grade 9 in the 2017-2018 school year or later must correctly answer at least 30 of 50 civics test questions. A school or district may record on a student's transcript that the student answered at least 30 of 50 civics test questions provided by MDE correctly.
- B. The school district may exempt a student with disabilities from this requirement if the student's IEP team determines the requirement is inappropriate and establishes an alternative requirement.
- C. The school district may administer the civics test questions in a language other than English to students who qualify for English learner services.
- D. The school district may administer civics test questions as part of the social studies curriculum.
- E. The school district must not prevent a student from graduating or deny a student a high school diploma for failing to correctly answer at least 30 of 50 civics test questions.

- F. The school district cannot charge a fee related to this requirement.

Legal References: Minn. Stat. § 120A.22 (Compulsory Instruction)
 Minn. Stat. § 120B.021 (Required Academic Standards)
 Minn. Stat. § 120B.022 (Elective Standards)
 Minn. Stat. § 120B.125 (Planning for Students’ Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
 Minn. Stat. § 120B.236 (Cardiopulmonary Resuscitation and Automatic External Defibrillator Instruction)

Cross References:

Burnsville-Eagan-Savage	School District Policy 603 (Curriculum Development)
Burnsville-Eagan-Savage	School District Policy 605 (Alternative Programs)
Burnsville-Eagan-Savage	School District Policy 603 (Curriculum Development)
Burnsville-Eagan-Savage	School District Policy 613 (Curriculum Development)

Adopted: 11/2003
Reviewed: 1/26/2023
Revised: 2/9/2023
Rescinds: BF

Burnsville-Eagan-Savage School District Policy 208

208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEVELOPMENT OF POLICY

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

IV. ADOPTION AND REVIEW OF POLICY

- A. The school board shall give notice of proposed policy changes or adoption of new policies or repeal of existing policies by placing the item on the agenda of two school board meetings.
- B. The final action taken to adopt the proposed policy or repeal an existing policy shall be approved by a simple majority vote of the school board after the meeting at which public input was received. The policy will be effective on the later of the

date of passage or the date stated in the motion. A repealed policy will no longer be in effect on the later of the date of board action or the date stated in the motion.

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

V. IMPLEMENTATION OF AND ACCESS TO POLICY

- A. The superintendent or designee shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent or designee shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including the student handbook, shall be subject to annual review and approval by the school board.
- B. Policies adopted by the school board shall be posted to the school district's website using the codification system and format approved by the school board.
- C. The superintendent and designees are responsible to keep the digital policies current: <https://www.isd191.org/discover/board-of-education/policies>
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one-third of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 634 Electronic Technologies Acceptable Use; Policy; 722 Public Data Requests; and 806 Emergency Operations Policy.
- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the mission, educational philosophy and financial condition of the school

district. Under such circumstances, the superintendent shall advise the school board of the need for a policy, and present a recommended policy to the school board for approval.

VI. RESPONSIBILITIES

- A. Board Policy Review Committee—Reviews recommended policies, prior to submitting to the full board for consideration, to ensure policies are within the scope of the school board’s authority and support the school district’s mission, vision, core values, and strategic direction.
- B. District Administrators—Are responsible for presenting all recommendations for change in ISD191 policy to the school board for consideration. District Administrators are also responsible for informing their subordinates of existing policies and administrative regulations and ensuring that all policies and regulations are implemented with fidelity.

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

Cross References: Burnsville-Eagan-Savage School District Policy 105 (Equity, Access, and Excellence in Education)
Burnsville-Eagan-Savage School District Policy 305 (Policy Implementation)

**Agenda IV.A.7.
February 9, 2023**

To: Board of Education

From: Rachel Gorton, director of technology, Dr. Chris Belmont, assistant superintendent, and Dr. Theresa Battle, superintendent

Date: February 2, 2023

Re: Policies 802: *Disposition of Obsolete Equipment and Material*, 801: *Equal Access to School Facilities*, 404: *Employment Background Checks*, 702: *Accounting*, 703: *Annual Audit*, 706: *Acceptance of Gifts*, 707: *Transportation of Public-School Students*, 710: *Extracurricular Transportation*, 712: *Video Surveillance Other Than on Buses*, and 720: *Vending Machines*

Recommendation: Approve, on a first reading basis, non-substantive changes to Policies 802: *Disposition of Obsolete Equipment and Material*, 801: *Equal Access to School Facilities*, 404: *Employment Background Checks*, 702: *Accounting*, 703: *Annual Audit*, 706: *Acceptance of Gifts*, 707: *Transportation of Public-School Students*, 710: *Extracurricular Transportation*, 712: *Video Surveillance Other Than on Buses*, and 720: *Vending Machines*.

The policies were reviewed by the Policy Review Committee on January 24, 2023.

Summary of changes:

- Policy 802 – MSBA updated references
- Policy 801 – MSBA updated references
- Policy 404 - MSBA aligns with the updated state form
- Policy 702 - MS BA updates references
- Policy 703 – MSBA updates references and commissioner title
- Policy 706 – MSBA updated references
- Policy 707 – MSBA updates reference, adds physician assistant and deletes "handicapped"
- Policy 710 – MSBA updated references
- Policy 712 – MSBA updated references
- Policy 720 - MSBA updated reference

Adopted: 4/1991
 Reviewed: ~~4/9/2020~~ 9/2023
 Revised: 4/23/2020 — MSBA 2022
 Rescinds: DN

Burnsville-Eagan-Savage School District Policy 802

802 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL

I. PURPOSE

The purpose of this policy is to provide guidelines for the superintendent or designee to assist in timely disposition of obsolete equipment and material.

II. GENERAL STATEMENT OF POLICY

Effective use of school building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material.

III. DEFINITIONS

- A. “Contract” means an agreement entered into by the school district for the sale of supplies, materials, or equipment.
- B. “Official newspaper” is a regular issue of a qualified legal newspaper.

IV. MANNER OF DISPOSITION

A. Authorization

The superintendent shall be authorized to dispose of obsolete equipment and materials by selling it at a fair price consistent with the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the school board. The superintendent or designee shall be authorized to properly dispose of used books, materials, and equipment deemed to have little or no value.

B. Contracts Over \$17500,000

1. If the value of the equipment or materials is estimated to exceed \$17500,000, sealed bids shall be solicited by two weeks’ published notice in the official newspaper. This notice shall state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in the official newspaper or elsewhere may be made as the school board shall deem necessary.
2. The sale shall be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law.

3. A record shall be kept of all bids, with names of bidders and amounts of bids, and an indication of the successful bid. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the highest responsible bid shall be rejected unless the alteration or erasure is corrected by being crossed out and the correction printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid.
4. In the case of identical high bids from two or more bidders, the school board may, at its discretion, utilize negotiated procurement methods with the tied high bidders so long as the price paid does not go below the high tied bid price. In the case where only a single bid is received, the school board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not fall below the original bid. If no satisfactory bid is received, the board may readvertise.
5. All bids obtained shall be kept on file for a period of at least one year after their receipt. Every contract made without compliance with the foregoing provisions shall be void.
6. Data submitted by a business to a school in response to a request for bids are private until opened. Once opened, the name of the bidder and the dollar amount specified become public; all other data are private until completion of the selection process, meaning the school has completed its evaluation and ranked the responses. After completion of the selection process, all data submitted by all bidders are public except trade secret data. If all responses are rejected prior to completion of the selection process, all data remain private, except the name of the bidder and the dollar amount specified which were made public at the bid opening for one year from the proposed opening date or until resolicitation results in completion of the selection process or until a determination is made to abandon the purchase, whichever occurs sooner, at which point the remaining data becomes public. Data created or maintained by the school district as part of the selection or evaluation process are protected as nonpublic data until completion of the selection or evaluation process. At that time, the data are public with the exception of trade secret data.

C. Contracts From \$25,000 to \$17500,000

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$17500,000, the contract may be made either upon sealed bids in the manner directed above or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding notice. All quotations obtained shall be kept on file for a period of at least one year after receipt.

D. Contracts \$25,000 or Less

If the amount of the sale is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, in the discretion of the school board. The sale in the open market may be by auction. If the contract is made on quotation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after receipt.

E. Electronic Sale of Surplus Supplies, Materials, and Equipment

Notwithstanding the other procedural requirements of this policy, the school district may contract to sell supplies, materials, and equipment which is surplus, obsolete, or unused through an electronic selling process in which purchasers compete to purchase the supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

F. Notice of Quotation

Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.

G. Sales to Employees

No officer or employee of the school district shall sell or procure for sale or possess or control for sale to any other officer or employee of the school district any property or materials owned by the school district unless the property and materials are not needed for public purposes and are sold to a school district employee after reasonable public notice, at a public auction or by sealed response, if the employee is not directly involved in the auction or sale process. Reasonable notice shall include at least one week's published or posted notice. A school district employee may purchase no more than one motor vehicle from the school district at any one auction. This section shall not apply to the sale of property or materials acquired or produced by the school district for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the school district from selling or possessing for sale public property if the sale or possession for sale is in the ordinary course of business or the normal course of the employee's duties.

H. Exceptions for Surplus School Computers

1. A school district may bypass the requirements for competitive bidding and is not subject to any other laws relating to school district contracts if it is disposing of surplus school computer and related equipment, including tablet devices, by conveying the property and title to:
 - a. another school district;
 - b. the state department of corrections;

- c. the board of trustees of Minnesota State Colleges and Universities;
or
 - d. the family of a student residing in the district whose total family income meets the federal definition of poverty.
 - e. a charitable organization under section 501(c)(3) of the Internal Revenue Code that is registered with the attorney general's office for educational use.
2. If surplus school computers are not disposed of as described in Paragraph 1., upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, the school district may sell or give used computers or tablets to qualifying students at the price specified in the written resolution. A student is eligible to apply to the school board for a computer or tablet under this subdivision if the student is currently enrolled in the school and intends to enroll in the school in the year following the receipt of the computer or tablet. If more students apply for computers or tablets than are available, the school must first qualify students whose families are eligible for free or reduced-price meals and then dispose of the remaining computers or tablets by lottery.

Legal References: Minn. Stat. § 13.591 (Business Data)
Minn. Stat. § 15.054 (~~Public Employees Not to Purchase Merchandise From Governmental Agencies; Exceptions; Penalty~~[Sale or Purchase of State Property; Penalty](#))
Minn. Stat. § 123B.29 (Sale of School Building at Auction)
Minn. Stat. § 123B.52 (Contracts)
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)
Minn. Stat. § 645.11 (Published Notice)

Cross References: MSBA Service Manual, Chapter 13, School Law Bulletin "F" (School District Contract and Bidding Procedures)
Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)

Adopted: 3/10/2016
 Reviewed: ~~5/23/2019~~ 9/2023
 Revised: [MSBA 2022](#)
 Rescinds:

Burnsville-Eagan-Savage School District Policy 801

801 EQUAL ACCESS TO SCHOOL FACILITIES

I. PURPOSE

The purpose of this policy is to implement the Equal Access Act by granting equal access to secondary school facilities for students who wish to conduct a meeting for religious, political, or philosophical purposes during noninstructional time.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is not to deny equal access or a fair opportunity to, or to discriminate against, any students who wish to conduct a meeting, on the basis of the religious, political, philosophical, or other content of the speech at such meetings.
- B. The school board has created a limited open forum for students enrolled in secondary schools during which noncurriculum-related student groups shall have equal access and a fair opportunity to conduct meetings during noninstructional time.
- C. Student use of facilities under this policy does not imply school district sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. The school district retains its authority to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.
- E. In adopting and implementing this equal access policy, the school district will NOT:
 - 1. influence the form or content of any prayer or other religious activity;
 - 2. require any person to participate in prayer or other religious activity;
 - 3. expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
 - 4. compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

5. sanction meetings that are otherwise unlawful;
6. limit the rights of groups of students based on the size of the group;
7. abridge the constitutional rights of any person.

III. DEFINITIONS

- A. “Limited open forum” means that the school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.
- B. “Secondary school” means any school with enrollment of pupils ordinarily in grades 6 through 12 or any portion thereof.
- C. “Sponsorship” includes the act of promoting, leading, or participating in a meeting. The assignment of a school employee for custodial, observation, or maintenance of order and discipline purposes does not constitute sponsorship of the meeting.
- D. “Meeting” includes activities of student groups which are permitted under a limited open forum and are not directly related to the school curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.
- E. “Noninstructional time” means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including such other periods that occur during the school day when no classroom instruction takes place.

IV. FAIR OPPORTUNITY CRITERIA

Schools in this school district shall uniformly provide that:

- A. A meeting held pursuant to this policy is voluntary and student-initiated;
- B. There is no sponsorship of the meeting by the school or its agents or employees;
- C. Employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- E. Nonschool persons may not direct, control, or regularly attend activities of student groups.

V. PROCEDURES

- A. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building at least 48 hours in advance of the time of the activity or meeting. The student must agree to the following:
1. All activities or meetings must comply with existing policies, regulations, and procedures that govern operation of school-sponsored activities.
 2. The activities or meetings are voluntary and student-initiated. The principal may require assurances of this fact.
- B. Student groups meeting under this policy must comply with the following rules:
1. Those attending must not engage in any activity that is illegal, dangerous, or which materially and substantially interferes with the orderly conduct of the educational activities of the school. Such activities shall be grounds for discipline of an individual student and grounds for a particular group to be denied access.
 2. The groups may not use the school name, school mascot name, school emblems, the school district name, or any name that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.
 3. The groups must comply with school policies, regulations and procedures governing school-sponsored activities.
- C. Students applying for use of school facilities under this policy must provide the following information to the principal: time and date of meeting, estimated number of students in attendance, and special equipment needs.
- D. The building principal has responsibility to:
1. Keep a log of application information.
 2. Find and assign a suitable room for the meeting or activity. The number of students in attendance will be limited to the safe capacity of the meeting space.
 3. Note the condition of the facilities and equipment before and after use.
 4. Assure proper supervision. Assignment of staff to be present in a supervisory capacity does not constitute school district sponsorship of the meeting or activity.
 5. Assure that the meeting or activity does not interfere with the school's regular instructional activities.

6. ~~Add the meeting to the district facility calendar.~~

- E. The school district shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The school district will provide no additional or special transportation.
- F. Nonschool persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.
- G. School district employees or agents may not promote, lead, participate in, or otherwise sponsor meetings or activities held pursuant to this policy.
- H. A copy of this policy and procedures shall be made available to each student who initiates a request to use school facilities.

Legal References: 20 U.S.C. §§ 4071-74 (Equal Access Act)
 20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
Board of Educ. of Westside Community Schools v. Mergens, 496 U.S. 226
~~, 1105 S.Ct. 2356~~ (1990)
Good News Club v. Milford Central School, 533 U.S. 98 ~~, 1215 S.Ct. 2093~~
 (2001)
Child Evangelism Fellowship of Minnesota v. Special Sch. Dist. 1, 690
 F.3d 996 (8th Cir. 2012)
Child Evangelism Fellowship of Minnesota v. Elk River Area School Dist.
 728, 599 F.Supp. 2d 1136 (D. Minn. 2009)

Cross References: Burnsville-Eagan-Savage School District Policy 902 (Use of School District Facilities and Equipment)
~~MSBA Service Manual, Chapter 13, School Law Bulletin “O” (Equal Access Act)~~

Adopted: 3/2007
 Reviewed: ~~12/13/2018~~ 9/2023
 Revised: 1/10/2019 MSBA 2022
 Rescinds: GCDC

Burnsville-Eagan-Savage School District Policy 404

404 EMPLOYMENT BACKGROUND CHECKS

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, Independent School District 191 will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district will also conduct criminal history background checks on all adults who provide after and during school academic assistance to students or who volunteer as chaperones for students on school-sponsored, overnight field trips. The school district may also elect to do background checks of other volunteers, independent contractors, and student employees in the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed and must include a Minnesota Bureau of Criminal Apprehension (BCA) component. The agency shall conduct the background check by retrieving criminal history data as defined in ~~Minnesota Statutes section~~ § 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. For an individual to be eligible for employment, to provide athletic coaching services or other academic coaching services, volunteer academic assistance, or chaperone services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to complete the background check at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the Minnesota commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 3. the individual executes a written consent form giving the school district access to the results of the check; and
 4. there is no reason to believe that the individual has committed an act

subsequent to the check that would disqualify the individual for employment or provision of services.

- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.
- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, student employees, student teachers, and administrative interns.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check can be obtained from the Human Resource Department.

Legal References: Minn. Stat. § 13.04, Subd. 4 (~~Rights of Subjects of Data Inaccurate or Incomplete Data~~)

Minn. Stat. § 13.87, Subd. 1 (Criminal ~~History-Justice~~ Data)

Minn. Stat. § 123B.03 (Background Check)

Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, ~~Elder, and Individuals with Disabilities~~ Protection Background Check Act)

Minn. Stat. § 364.09(b) (Exception for School Districts)

Cross References: None

Adopted: 2/1991
 Reviewed: ~~5/9/2019~~ 9/2023
 Revised: ~~1/2005, 3/16/2016~~ MSBA 2022
 Rescinds: DIA

Burnsville-Eagan-Savage School District Policy 702

702 ACCOUNTING

I. PURPOSE

The purpose of this policy is to adopt the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts provided for in guidelines adopted by the Minnesota Department of Education.

II. GENERAL STATEMENT OF POLICY

The policy of this school district is to comply with the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts.

III. MAINTENANCE OF BOOKS AND ACCOUNTS

The school district shall maintain its books and records and do its accounting in compliance with the Uniform Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in the guidelines adopted by the Minnesota Department of Education and in compliance with applicable state laws and rules relating to reporting of revenues and expenditures.

IV. PERMANENT FUND TRANSFERS

Unless otherwise authorized pursuant to Minn-~~esota~~ Stat-~~utes~~ ~~—§section~~ 123B.80, as amended, or any other law, fund transfers shall be made in compliance with UFARS and permanent fund transfers shall only be made in compliance with Minn-~~esota~~ Stat-~~utes~~ ~~§section~~ 123B.79, as amended, or other applicable statute.

V. REPORTING

The school board shall provide for an annual audit of the books and records of the school district to assure compliance of its records with UFARS. Each year, the school district shall also provide for the publication of the financial information specified in Minn-~~esota~~ Stat-~~utes~~ ~~s§section~~ 123B.10 in the manner specified therein.

Legal References: Minn. Stat. § 123B.02 (~~School District Powers~~ General Powers of Independent School Districts)
 Minn. Stat. § 123B.09 (~~School Board Powers~~ Boards of Independent School Districts)
 Minn. Stat. § 123B.10 (Publication of Financial Information)

Minn. Stat. § 123B.14, Subd. 7 (~~Duties of School Board Clerk~~[Officers of Independent School Districts](#))

Minn. Stat. § 123B.75 (Revenue; [Reporting](#))

Minn. Stat. § 123B.76 (Expenditures; [Reporting](#))

Minn. Stat. § 123B.77 (Accounting, Budgeting and Reporting Requirements)

Minn. Stat. § 123B.78 (Cash Flow; ~~Revenues, Borrowing, Deficits;~~ [School District Revenues; Borrowing for Current Operating Costs; Capital Expenditure Deficits](#))

Minn. Stat. § 123B.79 (Permanent Fund Transfers)

Minn. Stat. § 123B.80 (Exceptions for Permanent Fund Transfers)

Cross References: Burnsville-Eagan-Savage School District Policy 703 (Annual Audit)
[MSBA Service Manual, Chapter 7, Education Funding](#)

Adopted: 1/2005
 Reviewed: ~~5/9/2019~~2/9/2023
 Revised: ~~4/9/2020~~MSBA 2022
 Rescinds: DB, DIC

Burnsville-Eagan-Savage School District Policy 703

703 ANNUAL AUDIT

I. PURPOSE

The purpose of this policy is to provide for an annual audit of the books and records of the school district in order to comply with law, to provide a permanent record of the financial position of the school district, and to provide guidance to the school district to correct any errors and discrepancies in its practices.

II. GENERAL STATEMENT OF POLICY

The policy of this school district is to comply with all laws relating to the annual audit of the books and records of the school district.

III. REQUIREMENT

- A. The school board shall appoint independent certified public accountants to audit, examine, and report upon the books and records of the school district. The school board may enter into a contract with a person or firm to provide the agreed upon services.
- B. After the close of each fiscal year, the books, records, and accounts of the school district shall be audited by said independent certified public accountants in accordance with applicable standards and legal requirements. The superintendent and members of the administration shall cooperate with the auditors.
- C. The school district shall, prior to September 15 of each year, submit unaudited financial data for the preceding year to the Commissioner of Education (Commissioner) on forms prescribed by the Commissioner. The report shall also include those items required by [Minnesota Statutes §Section 123B.14, subdivision](#)~~Subd.~~ 7.
- D. The school district shall, prior to November 30 of each year, provide to the Commissioner audited financial data for the preceding fiscal year. The school district shall, prior to December 31 of each year, provide to the Commissioner and the State Auditor an audited financial statement in a form that will allow comparison with and correction of material differences in the unaudited data. The audited financial statement must also provide a statement of assurance pertaining to compliance with uniform financial accounting and reporting standards and a copy of the management letter submitted to the school district by its auditor.

- E. The audit must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act and the Minnesota Legal Compliance Audit Guide issued by the Office of the State Auditor.
- F. The school board must approve the audit report [by resolution](#) or require a further or amended report.
- G. The administration shall report to the school board regarding any actions necessary to correct any deficiencies or exceptions noted in the audit.
- H. The accounts and records of the school district shall also be subject to audit and inspection by the State Auditor to the extent provided in [Minnesota Statutes Chapter 6](#).

Legal References: Minn. Stat. Ch. 6 (State Auditor)
Minn. Stat. § 123B.02 (~~School District Powers~~[General Powers of Independent School Districts](#))
Minn. Stat. § 123B.09 (~~Boards of Independent School Districts~~[School Board Powers](#))
Minn. Stat. § 123B.14, Subd. 7 (~~Officers of Independent School Districts~~[Duties of School Board Clerk](#))
Minn.Stat. § 123B.77, Subds. 2 and 3 (~~Audited Financial Statements; Statement for Comparison and Correction~~[Accounting, Budgeting, and Reporting Requirement](#))

Cross References: Burnsville-Eagan-Savage School District Policy 702 (Accounting)
~~MSBA Service Manual, Chapter 7, Education Funding~~

Adopted: 11/1983
 Reviewed: ~~9/24/2020~~9/2023
 Revised: ~~10/8/2020~~MSBA 2022
 Rescinds: KH

Burnsville-Eagan-Savage School District Policy 706

706 ACCEPTANCE OF GIFTS

I. PURPOSE

The purpose of this policy is to provide guidelines for the acceptance of gifts by the school board.

II. GENERAL STATEMENT OF POLICY

The policy of this school district is to accept gifts only in compliance with state law.

III. ACCEPTANCE OF GIFTS GENERALLY

The school board may receive, for the benefit of the school district, bequests, donations or gifts for any proper purpose. The school board shall have the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the school district and whether it should be accepted or rejected.

IV. GIFTS OF REAL OR PERSONAL PROPERTY

The school board may accept a gift, grant or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members. The resolution must fully describe any conditions placed on the gift. The real or personal property so accepted may not be used for religious or sectarian purposes.

V. ADMINISTRATION IN ACCORDANCE WITH TERMS

If the school board agrees to accept a bequest, donation, gift, grant or devise which contains preconditions, conditions or limitations on use, the school board shall administer it in accordance with those terms. Once accepted, a gift shall be the property of the school district unless otherwise provided in the agreed upon terms.

Legal References: Minn. Stat. § 123B.02, Subd. 6 (~~Bequests, Donations, Gifts~~[General Powers of Independent School Boards](#))
 Minn. Stat. § 465.03 ([Gifts to Municipalities](#))

Cross References: [Burnsville-Eagan-Savage School District Policy 511 \(Fundraising\)](#)
 – [Burnsville-Eagan-Savage School District Policy 905 \(Advertising\)](#)

Adopted: 4/14/2016
 Reviewed: ~~12/13/2018~~ 2/9/2023
 Revised: 1/10/2019 MSBA 2022
 Rescinds:

Burnsville-Eagan-Savage School District Policy 707

707 TRANSPORTATION OF PUBLIC SCHOOL STUDENTS

I. PURPOSE

The purpose of this policy is to provide for the transportation of students consistent with the requirements of law.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide for the transportation of students in a manner which will protect their health, welfare, and safety.
- B. The school district recognizes that transportation is an essential part of the school district services to students and parents or guardians but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.

III. DEFINITIONS

- A. “Child with a disability” includes every child identified under federal and state special education law as deaf or hard of hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of Education ([“Commissioner”](#)). A licensed physician, an advanced practice nurse, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. In addition, every child under age three, and at the school district’s discretion from age three to seven, who needs special instruction and services, as determined by the rules of the Commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability. ([Minn. Stat. § 125A.02](#))
- B. “Home” is the legal residence of the child. In the discretion of the school district, “home” also may be defined as a licensed day care facility, school day care facility, a respite care facility, the residence of a relative, or the residence of a person chosen by the student’s parent or guardian as the home of a student for

part or all of the day, if requested by the student’s parent or guardian, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program is within the attendance area of the school the student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the school district if enrolled in the school district. (~~Minn. Stat. § 123B.92, Subd. 1(b)(1); Minn. Stat. § 127A.47, Subd. 2)~~)

- C. “Homeless student” means a student, including a migratory student, who lacks a fixed, regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances. (~~42 U.S.C. § 11434a)~~)
- D. “Nonpublic school” means any school, church, or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of ~~Minnesota Statutes §section~~ 120A.22, which is located within the state, and which meets the requirements of Title VI of the Civil Rights Act of 1964 (~~42 U.S.C. § 2000d, et seq. (Minn. Stat. §123B.41, Subd. 9)~~)
- E. “Nonresident student” is a student who attends school in the school district and resides in another district, defined as the “nonresident district.” In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and the parents or guardians reside in different school districts, the student shall be a resident of the school district designated by the student’s parents or guardians. When parental rights have been terminated by court order, the legal residence of a student placed in a residential or foster facility for care and treatment is the district in which the student resides. (~~Minn. Stat. § 123B.88, Subd. 6; Minn. Stat. § 125A.51; Minn. Stat. § 127A.47, Subd. 3)~~)
- F. “Pupil support services” are health, counseling, and guidance services provided by the public school in the same district where the nonpublic school is located. (~~Minn. Stat. § 123B.41, Subd. 4)~~)
- G. “School of origin,” for purposes of determining the residence of a homeless student, is the school that the student attended when permanently housed or the school in which the student was last enrolled. (~~42 U.S.C. § 11432(g)(3)(G))~~)
- H. “Shared time basis” is a program where students attend public school for part of the regular school day and who otherwise fulfill the requirements of ~~Minnesota Statutes §section~~ 120A.22 by attendance at a nonpublic school. (~~Minn. Stat. § 126C.01, Subd. 8)~~)

- I. “Student” means any student or child attending or required to attend any school as provided in Minnesota law and who is a resident or child of a resident of Minnesota. (~~Minn. Stat. § 123B.41, Subd. 11~~)

IV. ELIGIBILITY

- A. Upon the request of a parent or guardian, the school district shall provide transportation to and from school, at the expense of the school district, for all resident secondary students who reside one and one-half (1 ½) miles or more from the school, and all resident elementary students who reside one mile or more from the school, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student’s parent or guardian. (~~Minn. Stat. § 123B.88, Subd. 1~~) Distances are calculated based on where a family driveway meets the street, following the center of the street, to the nearest access point to the school property.
- B. The school district may, in its discretion, also provide transportation to any student to and from school, at the expense of the school district, for any other purpose deemed appropriate by the school board.
- C. In the discretion of the school district, transportation along regular school bus routes may also be provided, where space is available, to any person where such use of a bus does not interfere with the transportation of students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor. Bus transportation also may be provided along school bus routes when space is available for participants in early childhood family education programs and school readiness programs if these services do not result in an increase in the school district’s expenditures for transportation. (~~Minn. Stat. § 123B.88, Subd. 10, 11, 12, and 13~~)
- D. For purposes of stabilizing enrollment and reducing mobility, the school district may, in its discretion, establish a full-service school zone and may provide transportation for students attending a school in that full-service school zone. A full-service school zone may be established for a school that is located in an area with higher than average crime or other social and economic challenges and that provides education, health or human services, or other parental support in collaboration with a city, county, state, or nonprofit agency.

V. TRANSPORTATION OF NONRESIDENT STUDENTS

- A. If requested by the parent of a nonresident student, the school district shall provide transportation within its borders to a nonresident student at the same level of service that is provided to resident students. (~~Minn. Stat. § 124D.04, Subd. 7; Minn. Stat. § 123B.92, Subd. 3~~)
- B. If the school district decides to transport a nonresident student within the student’s resident district, the school district will notify the student’s resident district of its

decision, in writing, prior to providing transportation. (~~Minn. Stat. § 123B.88, Subd. 6~~)

- C. When divorced or legally separated parents or parents residing separately reside in different school districts and share physical custody of a student, the parents or guardians shall be responsible for the transportation of the student to the border of the school district during those times when the student is residing with the parent in the nonresident school district. (~~Minn. Stat. § 127A.47, Subd. 3(b)~~)
- D. The school district may provide transportation to allow a student who attends a high-need English language learner program and who resides within the transportation attendance area of the program to continue in the program until the student completes the highest grade level offered by the program. (~~Minn. Stat. § 123B.92, Subd. 3(b)~~)

VI. TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT SCHOOLS

- A. In general, the school district shall not provide transportation between a resident student's home and the border of a nonresident district where the student attends school under the Enrollment Options Program. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the student is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week. (~~Minn. Stat. § 124D.03, Subd. 8~~)
- B. Resident students shall be eligible for transportation to and from a nonresident school district at the expense of the school district, if in the discretion of the school district, inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in the resident student's own district unreasonably difficult or impracticable. The school district, in its discretion, may also provide for transportation of resident students to schools in other districts for grades and departments not maintained in the district, including high school, for the whole or a part of the year or for resident students who attend school in a building rented or leased by the school district in an adjacent district. (~~Minn. Stat. § 123B.88, Subds. 1 and 4~~)
- C. In general, the school district is not responsible for transportation for any resident student attending school in an adjoining state under a reciprocity agreement but may provide such transportation services at its discretion. (~~Minn. Stat. § 124D.041~~)

VII. SPECIAL EDUCATION STUDENTS/STUDENTS WITH A DISABILITY/STUDENTS WITH TEMPORARY DISABILITIES

- A. Upon a request of a parent or guardian, the board must provide necessary

transportation, consistent with ~~Minnesota Statutes~~ [§section 123B.92, Subd.subdivision 1\(b\)\(4\)](#), for a resident child with a disability not yet enrolled in kindergarten for the provision of special instruction and services. Special instruction and services for a child with a disability not yet enrolled in kindergarten include an individualized education program (IEP) team placement in an early childhood program when that placement is necessary to address the child's level of functioning and needs. (~~Minn. Stat. § 123B.88, Subd. 1~~)

- B. Resident students with a disability whose [handicapped conditions are such IEP team determines](#) that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the school. The school district shall determine the type of vehicle used to transport students with a disability on the basis of the condition and applicable laws. This provision shall not be applicable to parents or guardians who transport their own child under a contract with the school district. (~~Minn. Stat. § 123B.88, Subd. 19; Minn. Rules Part 7470.1600~~)
- C. Resident students with a disability who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the school district, shall be provided transportation, by the school district to and from said board and lodging facilities, at the expense of the school district. (~~Minn. Stat. § 125A.65~~)
- D. If a resident student with a disability attends a public school located in a contiguous school district and the school district of attendance does not provide special instruction and services, the school district shall provide necessary transportation for the student between the school district boundary and the educational facility where special instruction and services are provided within the school district. The school district may provide necessary transportation of the student between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the school district boundary. (~~Minn. Stat. § 125A.12~~)
- E. When a student with a disability or a student with a short-term or temporary disability is temporarily placed for care and treatment in a day program located in another school district and the student continues to live within the school district during the care and treatment, the school district shall provide the transportation, at the expense of the school district, to that student. The school district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the school district receives a copy of the order, then the school district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the school district during regular operating hours of the school district. (~~Minn. Stat. § 125A.15(b); Minn.~~)

[Stat. § 125A.51\(d\)](#)

- F. When a nonresident student with a disability or a student with a short-term or temporary disability is temporarily placed in a residential program within the school district, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, the school district shall provide the necessary transportation at the expense of the school district. Where a joint powers entity enters into a contract with a privately owned and operated residential facility for the provision of education programs for special education students, the joint powers entity shall provide the necessary transportation. [\(Minn. Stat. § 125A.15\(e\) and \(d\); Minn. Stat. § 125A.51\(e\)\)](#)
- G. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law. [\(Minn. Rules Part 7470.1700\)](#)
- H. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the alternative dispute resolution and due process procedures provided for in Minnesota Statutes Chapter 125A. [\(Minn. Rules Part 7470.1600, Subd. 2\)](#)

VIII. HOMELESS STUDENTS

- A. Homeless students shall be provided with transportation services comparable to other students in the school district. [\(42 U.S.C. § 11432\(e\)\(3\)\(C\)\(i\)\(III\)\(cc\) and \(g\)\(4\)\(A\)\)](#)
- B. Upon request by the student's parent, guardian, or homeless education liaison, the school district shall provide transportation for a homeless student as follows:
1. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements within the school district shall be provided transportation to and from the secondary resident student's school of origin and the shelter or other non-shelter on the same basis as transportation services are provided to other students in the school district. [\(42 U.S.C. § 11432\(g\)\(1\)\(J\)\(iii\)\(I\)\)](#)
 2. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district, unless the school district and the school district in which the student is temporarily placed agree that the school district in which the student is temporarily placed shall provide transportation. [\(Minn. Stat. § 125A.51\(f\); 42 U.S.C. § 11432\(g\)\(1\)\(J\)\(iii\)\(II\)\)](#)

3. If a nonresident student is homeless and is residing in a public or private homeless shelter or has other non-shelter living arrangements within the school district, the school district may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of the school district upon agreement with the school district in which the school of origin is located. (~~Minn. Stat. § 125A.51(f)~~)
4. A homeless nonresident student enrolled under ~~Minn.esota Stat.utes §section~~ 124D.08, ~~Subd.subdivision~~ 2a, must be provided transportation from the student's district of residence to and from the school of enrollment. (~~Minn. Stat. § 123B.92, Subd. 3(e)~~).

IX. AVAILABILITY OF SERVICES

Transportation shall be provided on all regularly scheduled school days or make-up days. Transportation will not be provided during the summer school break. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program. Transportation between home and school may also be provided, in the discretion of the school district, on staff development days. (~~Minn. Stat. § 123B.88, Subd. 21~~)

X. MANNER OF TRANSPORTATION

The scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto shall be within the sole discretion, control and management of the school board. The school district may, in its discretion, provide room and board, in lieu of transportation, to a student who may be more economically and conveniently provided for by that means. (~~Minn. Stat. § 123B.88, Subd. 1~~)

XI. RESTRICTIONS

Transportation by the school district is a privilege and not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or violation of any other law governing student conduct on a school bus pursuant to the school district's discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under 20 U.S.C. ~~§nited States Code §section~~ 1415 (Individuals with Disabilities ~~Education Improvement~~ Act), 29 U.S.C. ~~§nited States Code section~~ 794 (the Rehabilitation Act), and 42 U.S.C. ~~§nited States Code section~~ 12132, (Americans with Disabilities Act) are governed by these provisions. (~~Minn. Stat. § 121A.59~~)

XII. FEES

- A. In its discretion, the school district may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school,

where attendance is optional. (~~Minn. Stat. § 123B.36, Subd. 1(10)~~)

- B. The school district may charge fees for transportation of students to and from school when authorized by law. If the school district charges fees for transportation of students to and from school, guidelines shall be established for that transportation to ensure that no student is denied transportation solely because of inability to pay. The school district also may waive fees for transportation if the student's parent is serving in, or within the past year has served in, active military service as defined in [Minn.esota Stat-utes §section 190.05](#). (~~Minn. Stat. § 123B.36, Subds. 1(11) and 6~~)
- C. The school district may charge reasonable fees for transportation of students to and from post-secondary institutions for students enrolled under the post-secondary enrollment options program. Families who qualify for mileage reimbursement may use their state mileage reimbursement to pay this fee. (~~Minn. Stat. § 123B.36, Subd. 1(13)~~)
- D. Where, in its discretion, the school district provides transportation to and from an instructional community-based employment site that is part of an approved work-based training program, the school district may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs. (~~Minn. Stat. § 123B.36, Subd. 3~~)

Legal References: Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.59 (Bus Transportation is a Privilege Not a Right)
Minn. Stat. § 123B.36 (Authorized Fees)
Minn. Stat. § 123B.41 (~~Educational Aids for Nonpublic School Children;~~
Definitions)
Minn. Stat. § 123B.44 (Provision of Pupil Support Services)
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.04 (Enrollment Options Programs in Border States)
Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)
Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident
District; [Exceptions](#))
Minn. Stat. Ch. 125A (~~Children With a Disability~~[Special Education and
Specials Programs](#))
Minn. Stat. § 125A.02 (Children With a Disability, Defined)
Minn. Stat. § 125A.12 (Attendance in Another District)
Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)
Minn. Stat. § 125A.51 (Placement of Children Without Disabilities;
Education and Transportation)
Minn. Stat. § 125A.515 (Placement of Students; Approval of Education
Program)
Minn. Stat. § 125A.65 (Attendance at Academies for the Deaf and Blind)

Minn. Stat. § 126C.01 (~~General Education Revenue~~—Definitions)
 Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)
 Minn. Stat. § 190.05 (Definitions)
 Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)
 Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disabilities)
 20 U.S.C. § 1415 (Individuals with Disabilities Education ~~Improvement Act of 2004~~)
 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
 42 U.S.C. § 2000d (Prohibition Against Exclusion from Participation in, Denial of Benefits of, and Discrimination under Federally Assisted Programs on Ground of Race, Color, or National Origin)
 42 U.S.C. § 11431, *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)
 42 U.S.C. § 12132, *et seq.* (Americans With Disabilities Act)

Cross References: Burnsville-Eagan-Savage School District Policy 708 (Transportation of Nonpublic School Students)
 Burnsville-Eagan-Savage School District Policy 709 (Student Transportation Safety Policy)
 Burnsville-Eagan-Savage School District Policy 710 (Extracurricular Transportation)
[MSBA Service Manual, Chapter 2, Transportation](#)

Adopted: 4/14/2016
 Reviewed: ~~5/9/2019~~ 9/2023
 Revised: [MSBA 2022](#)
 Rescinds:

Burnsville-Eagan-Savage School District Policy 710

710 EXTRACURRICULAR TRANSPORTATION

I. PURPOSE

The purpose of this policy is to make clear to students, parents, and staff the school district's policy regarding extracurricular transportation.

II. GENERAL STATEMENT OF POLICY

The determination as to whether to provide transportation for students, spectators, or participants to and from extracurricular activities shall be made solely by the school district administration. This determination shall include, but is not limited to, the decision to provide transportation, the persons to be transported, the type or method to be utilized, all transportation scheduling and coordination, and any other transportation arrangements or decisions. Employees who are involved in extracurricular activities shall be advised by the administration as to the transportation arrangements made, if any.

III. ARRANGEMENT OF EXTRACURRICULAR TRANSPORTATION

School district employees shall not undertake independent arrangement, scheduling, or coordination of transportation for extracurricular activities unless specifically directed or approved by the school district administration. All transportation arrangements made by a school district employee must be approved by a building administrator. If the school district makes no arrangements for extracurricular transportation, students who wish to participate are responsible for arranging for or providing their own transportation.

IV. NO EMPLOYEE TRANSPORTATION OF STUDENTS WITH PERSONAL VEHICLES

An employee must not use a personal vehicle to transport one or more students except as provided herein. However, employees may make appropriate transportation arrangements for students as necessary in an emergency or other unforeseeable circumstance.

In a nonemergency situation, an employee must get prior, written approval from the superintendent or designee before transporting a student in a personal vehicle. If a school vehicle is available, the employee will use the school vehicle. The superintendent or designee has the sole discretion to make a final determination as to the appropriate use of a personal vehicle to transport one or more students.

If any emergency transportation arrangements are made by employees pursuant to this section, the relevant facts and circumstances shall be reported to the administration as

soon thereafter as practicable.

All vehicles used to transport students shall be properly registered and insured.

V. FEES

In its discretion, the school district may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional.

Legal References: Minn. Stat. § 123B.36 (Authorized Fees)
 Minn. Stat. § 169.011, Subd. 71(a) (~~Definition of a School Bus Definitions~~)
 Minn. Stat. § 169.454, Subd. 13 (Type III Vehicle Standards ~~Exemption~~)

Cross References: Burnsville-Eagan-Savage School District Policy 422 (Policies Incorporated by Reference)
 Burnsville-Eagan-Savage School District Policy 610 (Field Trips)
 Burnsville-Eagan-Savage School District Policy 709 (Student Transportation Safety Policy)
[MSBA Service Manual, Chapter 2, Transportation](#)

Adopted: 4/14/2016
 Reviewed: ~~5/9/2019~~ 9/2023
 Revised: [MSBA 2022](#)
 Rescinds:

Burnsville-Eagan-Savage School District Policy 712

712 VIDEO SURVEILLANCE OTHER THAN ON BUSES

I. PURPOSE

Maintaining the health, welfare, and safety of students, staff, and visitors while on school district property and the protection of school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The school board recognizes the value of video/electronic surveillance systems in monitoring activity on school property in furtherance of protecting the health, welfare, and safety of students, staff, visitors, and school district property.

II. GENERAL STATEMENT OF POLICY

A. Placement

1. School district buildings and grounds may be equipped with video cameras.
2. Video surveillance may occur in any school district building or on any school district property.
3. Video surveillance will normally not be used in bathrooms or locker rooms, although these areas may be placed under surveillance by individuals of the same sex as the occupants of the bathrooms or locker rooms. Video surveillance in bathrooms or locker rooms will only be utilized in extreme situations, with extraordinary controls, and only as expressly approved by the superintendent.

B. Use of Video Recordings

1. Video recordings will be viewed by authorized school district personnel on a random basis and/or when problems have been brought to the attention of the school district.
2. A video recording of the actions of students and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct in school district buildings or on school grounds.
3. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, Minn-~~esota~~ Stat-~~utes~~ [Ch-apter](#) 13, and the

Family Educational Rights and Privacy Act, 20 U-nited S-tates C-ode §section 1232g, and the rules and/or regulations promulgated thereunder.

C. Security and Maintenance

1. The school district shall establish appropriate security safeguards to ensure that video recordings are maintained and stored in conformance with the Minnesota Government Data Practices Act, Minn-esota Stat-utes Ch-apter 13, and the Family Educational Rights and Privacy Act, 20 U-nited S-tates C-ode §section 1232g, and the rules and/or regulations promulgated thereunder.
2. The school district shall ensure that video recordings are retained in accordance with the school district’s records retention schedule.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 Minn. Stat. § 121A.585 (Notice of Recording Device)
 Minn. Stat. § 138.17 (Government Records; Administration)
 Minn. Stat. § 609.746 (Interference with Privacy)
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

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 422 \(Policies Incorporated by Reference\)](#)
 Burnsville-Eagan-Savage School District Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student’s Person)
 Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)
 Burnsville-Eagan-Savage School District Policy 515 (Protection and Privacy of Pupil Records)
 Burnsville-Eagan-Savage School District Policy 709 (Student Transportation Safety Policy)
 Burnsville-Eagan-Savage School District Policy 711 (Video Recording on School Buses)
[MSBA Service Manual, Chapter 2, Transportation](#)

Adopted: 1/2005
 Reviewed: ~~8/27/2020~~9/2023
 Revised: 9/10/2020MSBA 2022
 Rescinds: DFF, DFFR

Burnsville-Eagan-Savage School District Policy 720

720 VENDING MACHINES

I. PURPOSE

The purpose of this policy is to establish procedures to govern vending machines, ~~to which students have access, that are~~ installed in school ~~district~~ facilities in the school district.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to contract for, supervise, maintain, and account for the proceeds from vending machines located in school facilities in a manner that is fair, that maximizes the revenues from those machines, that allows those revenues to be included in the budget of the facility in which they are generated, and that establishes controls to avoid fraud, theft, or the appearance of impropriety.

III. AUTHORIZATION

Automatic vVending machines for the dispensing of food, beverages, or other approved items are authorized in any school facility in the school district provided that all contracts for such vending machines must be approved by ~~superintendent or designee~~the school board as provided in this policy.

IV. SUPERVISION; APPROVAL; LOCATION

- A. All vending machines shall be under the supervision of the school principal or designee in charge of the facility in which the machine is located. That administrator shall be responsible to supervise the machine in compliance with this policy and any applicable laws.
- B. The items to be dispensed from a vending machine located in a school facility shall be approved by the principal or designee in charge of that facility. ~~and will follow guidelines in Policy 533.~~ All food, beverages, or other items approved shall be appropriate to the school setting. Machines dispensing cigarettes or tobacco products are not authorized under any circumstances. In the event a written complaint is filed with the superintendent regarding the approval or disapproval of any item, the school board, after proper review, shall make the final determination.
- C. Vending machines may be approved that will dispense items only during certain hours, through the use of timers or otherwise. Vending machines should not be

operated in competition with the school cafeteria or food service. The principal or designee in charge of the school facility may regulate the hours of operation of any machine.

- D. Vending machines shall be located to meet any applicable building, fire, or life/safety codes and to provide convenience of operation, accessibility, and ease of maintenance. The principal or designee in charge of the facility shall review the location of each machine with appropriate maintenance and food service staff.

V. CONTRACT APPROVAL

- A. All contracts for the purchase or rental of vending machines shall be considered by the superintendent or designee on a facility-by-facility basis.
- B. If the estimated aggregate receipts from all vending machines located in a school facility will be \$10,000 or more in a fiscal year, the contract for any vending machine in that facility must be awarded after the receipt of sealed bids and compliance with Minn-[esota Stat-utes §section](#) 123B.52.
- C. If the estimated aggregate receipts from all vending machines located in a school facility will be less than \$10,000 in a fiscal year, the contract for any vending machine in that facility may be awarded after the receipt of two or more quotations after taking into consideration conformity with the specifications, terms of delivery, other conditions imposed in the call for quotations, and compliance with Minn-[esota Stat-utes §section](#) 123B.52.
- D. The contracting process shall be conducted in compliance with Minn-[esota Stat-utes §section](#) 123B.52. A copy of this policy shall be included in any specifications or request for proposals or quotations. A record shall be kept of all bids or quotations received with the names, amounts, and successful bidder indicated. All bids and quotations shall be kept on file as a public record for a period of at least one year after their receipt.
- E. Any bid or quotation must specify all commissions to be paid from the machine and any other noncommission amounts to be paid as a result of the award of the contract. The noncommission amounts include, but are not limited to, cash payments, in-kind payments, equipment donations, scholarship contributions, bonus payments, or other payments or contributions of any kind or nature. The noncommission amounts shall be reduced to a cash equivalency and shall be specified on the bid or quotation as an additional amount to be paid for the award of the contract.
- F. If a contract contains a provision allowing exclusivity, such as all machines in the building carrying only a certain manufacturer's brand of pop, that provision must be reviewed by the administration prior to requesting bids or quotations to ensure that it does not conflict with other contracts of the school district.
- G. All contracts for vending machines must be approved by ~~the superintendent or the~~

[school board designee](#). Any contract not made in compliance with this policy shall be void. Any district employee signing an unauthorized contract may be subject to personal liability thereon and may be disciplined for said action.

- H. All vending machines are to be installed at the expense of the facility in which located. All financial responsibility for the maintenance and repair of machines shall remain with the individual facility in which located to the extent not addressed in the contract.
- I. No teacher, administrator, school district employee, or school board member shall be interested, directly or indirectly, in a vending machine contract with the school district or personally benefit financially therefrom.

VI. ACCOUNTING

- A. Proceeds from vending machine sales and contracts shall be under the control of the school board, shall be accounted for in one of the regular school district funds, and must be accounted for and reported in compliance with UFARS.
- B. An amount equal to the amount of the proceeds from the machines in each facility shall be included in the budget of the facility in which the proceeds are generated. That amount may be expended in accordance with established expenditure procedures.
- C. Pursuant to the vending machine contract or otherwise, proper auditing and inventory control procedures shall be established to ensure that commissions are being correctly calculated and paid. These controls must include daily, weekly, or other periodic inventories and written reconciliations of variances between inventory and cash. Each time cash is removed from, or inventory is added to a machine, a written reconciliation between cash and inventory must be performed by the person taking the cash from the machine and must be signed by the principal or other person in charge of the facility. The original written reconciliation reports shall be filed with the business office monthly and a copy shall be retained by the principal's office.

Legal References: Minn. Stat. § 123B.20 (Dealing in Supplies)
 Minn. Stat. § 123B.52 (Contracts)
 Minn. Stat. § 471.345 (~~Contracts~~[Uniform Municipal Contracting Law](#))
 Minn. Stat. § 471.87 (~~Conflict of Interest~~[Public Officers, Interest in Contract; Penalty](#))

Cross References: Burnsville-Eagan-Savage School District Policy 210 (Conflict of Interest – School Board Members)
[Burnsville-Eagan-Savage School District Policy 533 \(Wellness\)](#)
 Burnsville-Eagan-Savage School District Policy 702 (Accounting)



**Agenda IV.A.8.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Scott Hume, chair

Date: February 2, 2023

Re: Board Retreat

Recommendation: Approve scheduling a Board Retreat on Saturday, February 18, 2023, at 9:00 a.m. to 12:30 p.m. at Burnsville High School.

The purpose of the retreat is board development and PreK-12 Pathways.

FY23 Staffing February 9, 2023 Board Meeting

Board Members' Questions and Staff Responses regarding BoardBook materials

(Preliminary FY24 Budget)

Board Member Question	Staff Response																																																
<p>What is our current range (min / max) in class sizes by grade: elementary; MS; BHS; BAHS; and VA?</p> <p>For BHS, in how many classes do we exceed 30 participants?</p>	<p>Here is the class range and actuals for all Elementary including VA Elementary. Each grade level is below the target level as well as the minimum level district wide.</p> <table border="1" style="margin: 10px auto;"> <thead> <tr> <th></th> <th>Min</th> <th>Max</th> <th>Targ</th> <th>+/-</th> <th>Avg</th> </tr> </thead> <tbody> <tr> <td>K</td> <td>20</td> <td>25</td> <td>22.5</td> <td>-3.76</td> <td>18.74</td> </tr> <tr> <td>1</td> <td>24</td> <td>28</td> <td>26</td> <td>-4.89</td> <td>21.11</td> </tr> <tr> <td>2</td> <td>25</td> <td>29</td> <td>27</td> <td>-4.58</td> <td>22.42</td> </tr> <tr> <td>3</td> <td>26</td> <td>30</td> <td>28</td> <td>-3.96</td> <td>24.04</td> </tr> <tr> <td>4</td> <td>27</td> <td>31</td> <td>29</td> <td>-3.05</td> <td>25.95</td> </tr> <tr> <td>5</td> <td>28</td> <td>32</td> <td>30</td> <td>-5.36</td> <td>24.64</td> </tr> <tr> <td></td> <td>25</td> <td>29</td> <td>24.5</td> <td>-2.01</td> <td>22.49</td> </tr> </tbody> </table> <p>Secondary does not have a minimum and maximum level. They are allocated Full Time Employees (FTE's) based on enrollment. Class registrations, advisory, interest, and graduation requirements for programs help the principals determine what classes to offer. The formulas used for 6-8 assume a class size of 37.2 students per class and 9-12 assume a class size of 39 students. This is the general allocation, each building then receives some compensatory, EL and Sped funding. The middle schools also receives fte's for its</p>		Min	Max	Targ	+/-	Avg	K	20	25	22.5	-3.76	18.74	1	24	28	26	-4.89	21.11	2	25	29	27	-4.58	22.42	3	26	30	28	-3.96	24.04	4	27	31	29	-3.05	25.95	5	28	32	30	-5.36	24.64		25	29	24.5	-2.01	22.49
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	<p>ALC programming (SWAS) of 12 fte's between the two. All of these programs and additional fte's bring down the class sizes as many students may be in a sped class or EL class instead of a general class.</p> <p>Secondary FTE's are based on enrollment and not the type of course offered. That is a local decision. Below is a breakdown by period for BHS as well as the roster for second semester. The rosters for the other sites, when looking at averages is a little trickier since many classes meet on opposite days which throws the count off. A rough evaluation has the average class size around 26. BAHS is around 17. VA is also a little tricky because it has the ability similar to the high school to offer independent studies which brings the class sizes down.</p> <p>BHS Hourly Average</p> <table border="1"> <thead> <tr> <th>Hour</th> <th>Average</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>22.34</td> </tr> <tr> <td>2</td> <td>21.45</td> </tr> <tr> <td>3</td> <td>20.23</td> </tr> <tr> <td>4</td> <td>19.24</td> </tr> <tr> <td>5</td> <td>20.68</td> </tr> <tr> <td>6</td> <td>22.65</td> </tr> <tr> <td>7</td> <td>20.87</td> </tr> </tbody> </table> <p>BHS Sections</p>	Hour	Average	1	22.34	2	21.45	3	20.23	4	19.24	5	20.68	6	22.65	7	20.87
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(FY23 Revised)

Board Member Question	Staff Response
<p>Comparing FY23 Adopted to FY23 Revised:</p> <ol style="list-style-type: none"> 1. 01010 Gen. Elem. Instruction - Please elaborate on the reduction of approximately \$692,000. Same for the increase of 11 FTE. 2. 02010 Gen. MS Instruction - Please elaborate on how we landed with an increase of 4 FTE and a reduction of approximately \$220,000. 3. 03010 Gen. HS Instruction - Please elaborate on the reduction of \$290,000. 4. 07030 6-12 Guidance - What caused the increase of approximately \$25,000, and what funds are designated to cover the increase? 5. 07040 9-12 Deans - Please elaborate on the reduction of approximately \$144,500. 6. 07060 English Second Language Learner - Please elaborate on the reduction of approximately \$391,000. 7. 08010 Site Allocation Inst./Ops. Resources - Please elaborate on the increase of approximately \$106,600, and which funds are designated to cover the increase. 	<ul style="list-style-type: none"> • The biggest point is that numbers in June are projections based either on the people that we have at that moment in time or an average salary/benefits projection for vacancies. This occurs every year and is the primary reason we do a revised budget mid year with a more defined personnel list. • We had a stable to slight increase in enrollment in K-12. This number was definitely higher than projected, so additional FTE's were added at sites that had a significant impact, primarily secondary. • Elementary principals adjust their staffing when teachers leave to place the lowest cost person using Title funds. This may impact FTE's as they are able to get more people in under their Title funds if they code to the least expensive people. It does push more expensive teachers under the general fund. • We have had a combination of vacancies and high turnover in areas that we hire (ghosting). This ongoing flux has driven down the cost because we have not had a full complement of staff for the full year as projected.

<p>8. 09010 SpEd Salaries and Benefits - Please elaborate on the reduction of \$856,767.</p> <p>9. 10010 ALC - What caused the reduction of \$35,390?</p> <p>10. 10020 Licensed Mental Health Services - Please elaborate on the creation of this new BU and its funding.</p> <p>11. 10030 K12 Nursing/Health - Please elaborate on the reduction of approximately 3 FTE and \$170,972.</p> <p>12.12010 Title I Part A - Please elaborate on the increase of approx. 6 FTE and \$289,000. I am guessing funding changed for this?</p> <p>13. 13030 Compensatory - Please elaborate on the \$385,000 increase.</p> <p>14. 14010 Technology - Please elaborate on the \$134,400 increase. ESSER funding addition?</p> <p>15. 16070 Student Registration and Census - Please elaborate on the reduction of approx. \$29,000.</p>	<ul style="list-style-type: none"> ● Utilities, supplies, fuel have all increased for school districts and this increase in cost is also reflected in various budget unit areas. Also, an increase for snow removal is reflected. ● As far as categories for lunch or travel or other areas, we have always had these expenses under their respective budget unit areas. They may not have been called out on the reports as they change based on needs. Lunch is for staff that do lunch supervision in lieu of their non-duty lunch as provided in their contract. The travel or overloads would reflect teachers picking up assignments or the costs to travel between sites including loss prep time per contract language. ● FTE's and Items may vary based on available resources and needs as they occur during the year. Our goal is to address those needs in a timely fashion and stay within our overall budget.
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16. 07012 Clerical - Please elaborate on the increase of \$15,000.

17. 07013 Elementary EAs - Please elaborate on the increase of 3 FTE and \$39,000.

18. 17021 Secondary Admin - Please elaborate on the increase of 2 FTE and \$143,900, which positions were added, as well as funds used to cover the increase.

19. 19010 Custodial - Please elaborate on the increase of \$89,000, and which funds are being used.

20. 19020 Building, Grounds and Maintenance - Please elaborate on the increase of \$355,000 and which funds are designated to cover the increase.

21. 19040 Facility Leases - Please elaborate on the \$100,000 and which funds are designated to cover the increase.

22. 19041 Facility Rental - Please elaborate on the \$75,000 increase and the funds designated to cover this increase.

23. 19060 Utilities - The \$774,000 increase is the result of rate increases, yes?

(Staffing Detail by BU)

Board Member Question	Staff Response
<p><u>Staffing Detail by BU</u></p> <p>1. P. 5 - Lunch Supervision TEA - Unless I have missed something in Adopted, these are new. At what point were they added and with which funds are they being paid?</p> <p>2. P. 5 & 7 - MS & HS Travelling Teacher - Please elaborate on this FTE. This is a new FTE type for us in this document, if I am not mistaken.</p> <p>3. To help understand the final outcomes of the 'big bucket' investments with ESSER, please provide an itemized list of FTE by BU that were added using ESSER funds between FY23 Adopted and FY23 Revised. Looking at page 14 and 15 of Budget presented 3/24/22, we can see ELT's Draft estimates for ESSER funding at the time; an itemized and final list of ESSER FTE details by BU for FY23 Revised are appropriate at this juncture.</p> <p>Additionally, if this list provides answers to questions about funding above, please feel free to refer to the list to simplify.</p> <p>5. Given FTE changes between Adopted and Revised, please provide an updated org chart,</p>	<p>1. Lunch is for staff that do lunch supervision in lieu of their non-duty lunch as provided in their contract. The travel or overloads would reflect teachers picking up assignments or the costs to travel between sites including loss prep time per contract language.</p> <p>2.Traveling teacher language is in Section 12: Prep Reimbursement for Traveling Teachers in the BEA contract. The contract was renewed in 2019.</p> <p>3. The ESSER FTEs are listed under 2100-Emergency Aid Relief. In addition there are 5 FTE for elementary that are listed under Core Elementary Instruction in the .FY23 Revised Budget - Staffing by Budget Unit. These will be included in upcoming journal entries to ensure we are meeting the federal requirement for Maintenance of Equity which is a new American Rescue Plan requirement. This means we cannot disproportionately reduce the number of FTE that we provide to high poverty and/or high need schools</p> <p>5. Here is the link to the organizational chart: Org Chart 22-23. This chart is shared</p>

for transparency among ourselves and with our school community.

6. 21000 Current Grants - Please elaborate on each of these FTE.

in the Annual Comprehensive Financial Report prepared by the Business Office.

The yearly organizational chart is published on our website under Business and Finance:

<https://www.isd191.org/discover/departments/finance>

On the right side under Past Financial Information 2021-22, click on Comprehensive Annual Report:

<https://resources.finalsite.net/images/v1668525936/isd191org/r4ufiht7dqsyi1bky3xk/SignedFinancialStatementsFY22.pdf>

6. Grants: Bosch for Green Teams, MDE Universal Plus grant for 2nd to 4th graders for Project Lead the Way, Department of Labor and Industry for high school student internships; Perpich Comprehensive Arts grant; Grow Your Own Education Pathway; Rigorous Course (Associate of Arts degree); MN Multi-tiered System and Support and Non-exclusionary grant for alternatives to suspension. There are 2.14 FTE associated with these grants.

**Agenda IV.B.1.
February 9, 2023**

To: Board of Education
Superintendent Dr. Theresa Battle

From: Stacey Sovine, Executive Director of Administrative Services

Date: February 9, 2023

Re: Approve the Proposal for the 2023 Boiler Replacement Project at William Byrne Elementary School

Recommendation: That the Board of Education approve the bid results and proposal from Derau Construction in the amount of \$869,600 for the boiler replacement and loading dock concrete replacement project at William Byrne Elementary.

On Tuesday, December 20, 2022, bids were received for the above-mentioned project. Seven bidders submitted bids for the work contract. A public meeting was held at Diamondhead Education Center with Armstrong, Torseth, Skold and Rydeen, Inc. (ATSR) in attendance. ATSR is the architect for the project and preparer of bid documents.

The proposal was submitted following a Public Notice published by the Owner through STW Burnsville-Eagan in accordance with Minnesota bid requirements.

The low, responsible bidder for this work was Derau Construction, with a base bid of \$843,200. There were two bid alternates in the contract. After review with District administration, it was recommended that both alternates be awarded. The total contract amount is \$869,600.

This is a Long-Term Facilities Maintenance (LTFM) project that was approved by the School Board and the proposal amount is within the budgeted amount for this project. The project is to be completed during the summer of 2023.

Supporting documents are available as requested.



**Agenda IV. B.2.
February 09, 2023**

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

FROM: Stacey Sovine - Executive Director of Administrative Services

DATE: February 02, 2023

RE: Approve 2022-23 Revised Budget

RECOMMENDATION: That the Board of Education approves the 2022-23 Revised Budget providing all funds' revenues of \$183,913,084 and all funds' expenditures of \$185,621,470.

**ISD 191 BURNSVILLE - EAGAN - SAVAGE
2022-2023 REVISED BUDGET
CHANGES IN FUND BALANCE**

FUND	REVENUE BUDGET	EXPENDITURE BUDGET	INCR (DECR) TO FUND BALANCE
GENERAL	\$ 137,755,710	\$ 137,803,486	\$ (47,776)
FOOD SERVICE	5,792,542	5,298,849	493,693
COMMUNITY SERVICE	6,414,832	6,039,135	375,697
CAPITAL PROJECTS	-	-	-
DEBT SERVICE	10,780,000	11,360,000	(580,000)
INTERNAL SERVICE FUND	23,170,000	25,120,000	(1,950,000)
TOTAL ALL FUNDS	\$ 183,913,084	\$ 185,621,470	\$ (1,708,386)

Each fiscal year the budget is revised to reflect the most current information available with respect to revenues and expenditures. This recommendation formally recognizes these amendments to the revisions by incorporating them into the budget document. Revisions have been made in all governmental funds.

I recommend approval of the 2022-23 Revised Budget.



**Agenda IV.B.3.
February 09, 2023**

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

FROM: Stacey Sovine - Executive Director of Administrative Services

DATE: February 09, 2023

RE: Approve Joint Powers Agreement with Minnesota Department of Education

RECOMMENDATION: That the Board of Education approve the Joint Powers Agreement with the Minnesota Department of Education to implement the CLASS teacher-child interaction observation instrument for early education.

Summary: The Joint Powers agreement with the Minnesota Department of Education is an agreement that expires at the end of June 2023. It is a partnership with MDE to implement the CLASS (Classroom Assessment Scoring System) in exchange for professional development and up to \$10,000 in reimbursement for expenses.



State of Minnesota

Joint Powers Agreement

SWIFT Contract Number:
MDE SharePoint ID No: 272

This Agreement is between the State of Minnesota, acting through its acting through its Commissioner of the Minnesota Department of Education, 400 NE Stinson Blvd., Minneapolis, MN 55413 (“MDE” or “State”) and ISD 191, 200 West Burnsville Parkway, Burnsville, MN 55337 (“Governmental Unit”).

Recitals

1. Under Minnesota Statute § 471.59, subdivision 10, the State is empowered to engage such assistance as deemed necessary.
2. MDE is using funds from Voluntary Prekindergarten (VPK) budget to fund this project. VPK purpose is to prepare children for success as they enter kindergarten the following year. The children’s success is widely supported by the effectiveness of the staff interacting with children in the classroom.
3. As part of VPK, the State will need to share best practices, strategies, and services that are informed by a measure of adult-child interaction observation using the Classroom Assessment Scoring System (CLASS) instrument and that ensure a highly skilled workforce is able to provide positive social, emotional, behavioral, developmental, and academic outcomes for every student residing in a VPK classroom.
4. The State is in need of Local Education Agencies (LEAs) and/or tribal entities and communities implementing the use of the CLASS teacher-child interaction observation instrument designed for early childhood classrooms to begin informing professional learning practices intended to improve the quality and coherence of children’s learning and care experiences from prekindergarten and including the alignment and transition to kindergarten.

Agreement

1. **Term of Agreement**
 - 1.1 Effective Date: Upon Execution, or the date the State obtains all required signatures under Minn. Stat. § 16C.05, subd. 2, whichever is later.
 - 1.2 Expiration Date: June 30, 2023, or until all obligations have been satisfactorily fulfilled, whichever occurs first.
2. **Agreement between the Parties**

The Governmental Unit will perform the duties as outlined in Exhibit A, Scope of Work, which is attached and incorporated into this Agreement.

MDE’s Authorized Representative has the right to adjust dates, times, locations and mode of delivery as needed based upon prior mutual written consent between both parties and within the Agreement timelines and terms.

3. Payment

3.1 Consideration. The State will pay for all services performed by the Governmental Unit under this Agreement as follows:

- (a) *Compensation.* The Governmental Unit will be paid a lump sum of \$10,000.00 for the successful completion of services listed in Clause 2 of this Agreement. Rates include labor and all related expenses.
- (b) *Total obligation.* The total obligation of the State for all compensation and reimbursements to the Governmental Unit under this Agreement will not exceed \$10,000.00.

3.2 Payment.

(a) *Invoices.* The State will promptly pay the Governmental Unit after the Governmental Unit presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices shall be submitted timely and according to the following schedule:

- One invoice should be submitted not later than July 15, 2023 for services from Agreement execution through June 30, 2023.

Invoice should include the following information:

1. MDE's Authorized Representative's name;
2. The SWIFT Contract/Agreement number;
3. Dates of service; and
4. A description of services.

Submit invoices via email to [MDE Accounts Payable \(MDE.AccountsPayable@state.mn.us\)](mailto:MDE.AccountsPayable@state.mn.us). The subject line of the email with the invoice attached must contain the MDE's Authorized Representative's name and SWIFT Contract/Agreement number.

Should an invoice need to be submitted via U.S. Mail, please use the following address:

MN Department of Education
Attn: Accounts Payable Department
400 NE Stinson Blvd.
Minneapolis, MN 55413

4. Authorized Representatives

The State's Authorized Representative is June Reineke, Education Specialist, 400 NE Stinson Blvd., Minneapolis, MN 55413, 651-582-8755, June.Reineke@state.mn.us or her successor.

The Governmental Unit's Authorized Representative is Cynthia Sampers, Early Childhood Program Coordinator, csampers@isd191.org, 952-707-4155, or her successor.

5. Assignment, Amendments, Waiver, and Contract Complete.

- 5.1 Assignment. The Governmental Unit may neither assign nor transfer any rights or obligations under this Agreement without the prior consent of the State and a fully executed assignment agreement, executed and approved by the authorized parties or their successors.
- 5.2 Amendments. Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the authorized parties or their successors.
- 5.3 Waiver. If the State fails to enforce any provision of this Agreement, that failure does not waive the provision or its right to enforce it.
- 5.4 Contract Complete. This Agreement contains all negotiations and agreements between the State and the Contractor. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6. Indemnification.

- 6.1 In the performance of this Agreement, the Indemnifying Party must indemnify, save, and hold harmless the State, its agents, and employees, from any claims or causes of action, including attorney's fees incurred by the State, to the extent caused by Indemnifying Party's:

- Intentional, willful, or negligent acts or omissions; or
- Actions that give rise to strict liability; or
- Breach of contract or warranty.

The Indemnifying Party is defined to include the Governmental Unit, the Governmental Unit's reseller, any third party that has a business relationship with the Governmental Unit, or Governmental Unit's agents or employees, and to the fullest extent permitted by law. The indemnification obligations of this section do not apply in the event the claim or cause of action is the result of the State's sole negligence. This clause will not be construed to bar any legal remedies the Indemnifying Party may have for the State's failure to fulfill its obligation under this Agreement.

- 6.2 Nothing within this Agreement, whether express or implied, shall be deemed to create an obligation on the part of the State to indemnify, defend, hold harmless or release the Indemnifying Party. This shall extend to all agreements related to the subject matter of this Contract, and to all terms subsequently added, without regard to order of precedence.

7. State Audits.

Under Minn. Stat. § 16C.05, subd. 5, the Governmental Unit's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State, the State Auditor, or Legislative Auditor, as appropriate, for a minimum of six years from the expiration or termination of this Agreement.

8. Government Data Practices.

The Governmental Unit and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, (or, if the State contracting party is part of the Judicial Branch, with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time) as it applies to all data provided by the State under this Agreement, and as it applies to all data created,

collected, received, stored, used, maintained, or disseminated by the Governmental Unit under this Contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data governed by the Minnesota Government Practices Act, Minn. Stat. Ch. 13, by either the Governmental Unit or the State.

If the Governmental Unit receives a request to release the data referred to in this clause, the Governmental Unit must immediately notify and consult with the State's Authorized Representative as to how the Governmental Unit should respond to the request. The Governmental Unit's response to the request shall comply with applicable law.

9. Venue

Venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

10. Termination

10.1 Termination. The State or the Governmental Unit may terminate this agreement at any time, with or without cause, upon 30 days' written notice to the other party.

10.2 Termination for Insufficient Funding. The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Governmental Unit. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Governmental Unit will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Governmental Unit notice of the lack of funding within a reasonable time of the State's receiving that notice.

11. E-Verify Certification (in accordance with Minn. Stat. §16C.075).

For services valued in excess of \$50,000, the Governmental Unit certifies that as of the date of services performed on behalf of the State, Governmental Unit and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify Program for all newly hired employees in the United States who will perform work on behalf of the State. The Governmental Unit is responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc>. All subcontractor certifications must be kept on file with Contractor and made available to the State upon request.

12. Accessibility Standards

The Governmental Unit agrees to comply with the State of Minnesota Accessibility Standards effective September 1, 2010, which entails, in part, the Web Content Accessibility Guidelines (WCAG) 2.0 (Level AA) and Section 508 which can be viewed on the [Minnesota IT Services website](https://mn.gov/mnit/about-mnit/accessibility/) (https://mn.gov/mnit/about-mnit/accessibility/). The Standards apply to web sites, software applications, electronic reports and output documentation, training delivered in electronic formats (including, but not limited to, documents, videos, and webinars), among others. As upgrades are made to the software/products/subscriptions available through this Agreement, the Contractor agrees to develop functionality which supports accessibility. If any issues arise due to nonconformance with the above mentioned accessibility Standards, the Governmental Unit agrees to provide alternative solutions upon request at no additional charge to the State.

Contact the [Communications Office](mailto:mde.communications@state.mn.us) (mde.communications@state.mn.us) for specific guidance on creating content that meets our accessibility requirements.

For questions regarding the accessibility of software, websites or applications, contact [Kim Wee](mailto:kim.wee@state.mn.us) (kim.wee@state.mn.us).

13. Publications or Other Content Intended for Dissemination

The following criteria are to be used for all publications or other content created for MDE intended for dissemination:

- a. Use only print-quality department logo. Request a copy from the MDE [Communications Office](mailto:mde.communications@state.mn.us) (mde.communications@state.mn.us).
- b. Copy must follow latest edition of the Associated Press (AP) Stylebook.
- c. Video content must be open or closed captioned.
- d. Copy must be free of typographical and grammatical errors.
- e. Fonts used can vary in promotional pieces; however, the sizes used should be comparable to Calibri 11 pt. or Times New Roman 12 pt.
- f. Manuals and other long documents (10+ pages, as a reference point only) should be provided in PDF format with bookmarks (preferred) or include a linked Table of Contents.
- g. If the end product is not an editable source document (originally created format), the source document must also be provided to the department along with the final format for all non-multimedia content. For instance, if a PDF document is the final product, the vendor must also provide the Word or PowerPoint file.
- h. Presentations must be narrated, part of a recorded presentation, or include notes pages, not be standalone slideshows. Notes, as Annotations, should not be included when the presentation is converted to PDF.
- i. Please direct questions regarding printed material to the Authorized Representative for this Agreement.

14. Plain Language

Governmental Unit must provide all deliverables in "Plain Language." Executive Order 14-07 requires the Office of the Governor and all Executive Branch agencies to communicate with Minnesotans using Plain Language. As defined in Executive Order 14-07, Plain Language is a communication which an audience can understand the first time they read or hear it. To achieve that, Governmental Unit will take the following steps in the deliverables:

- j. Use language commonly understood by the public;
- k. Write in short and complete sentences;
- l. Present information in a format that is easy to find and easy to understand; and,
- m. Clearly state directions and deadlines to the audience.

15. Force Majeure

Neither party shall be responsible to the other or considered in default of its obligations hereunder to the extent that performance of any such obligations is prevented or delayed by acts of God, war, riot, disruption of government, pandemics, or other catastrophes beyond the reasonable control of the party unless the act or occurrence could have been reasonably foreseen and reasonable action could have been taken to prevent the delay or failure to perform. A party defaulting under this provision must provide the other party prompt written notice of the default and take all necessary steps to bring about performance as soon as practicable.

1. State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Print Name: _____

Signature: _____

Title: _____ Date: _____

SWIFT Contract No.

2. Governmental Unit

Print Name: _____

Signature: _____

Title: _____ Date: _____

3. State Agency

With delegated authority

Print Name: _____

Signature: _____

Title: _____ Date: _____

4. Commissioner of Administration

As delegated to The Office of State Procurement

Print Name: _____

Signature: _____

Title: _____ Date: _____

Admin ID: _____

2.1 The Governmental Unit responsibilities will include:

1. Identify person(s) knowledgeable in early childhood education who will serve as the VPK Teacher-Child Interaction Observation (T-CIO) project coordinator and/or implementation specialist.

The VPK T-CIO duties are as follows:

- a. Complete MDE created pre- and post-project surveys.
 - b. Develop and submit a Project Implementation Plan.
 - c. Provide necessary support and resources for staff working on the project Implementation Plan.
 - d. Participate in scheduled project discussion sessions facilitated by MDE Authorized Representative (AR) and Project Manager.
2. Complete an MDE created pre-project survey that builds on the initial enrollment interest survey to identify current professional practices and learning goals for staff with roles in T-CIO processes within the LEA.
 3. The VPK T-CIO will develop a project implementation plan with support of the MDE AR. The T-CIO Project Implementation Plan should be completed and emailed to the MDE AR no later than February 24, 2023.
 - a. The project strategies will be selected using T-CIO data by the Governmental Unit to determine the best approach for their community.
Required strategies must include:
 - individual professional improvement strategies for each professional participating in the project
 - collective goals that identify professional learning experiences that will be used to improve classroom or grade level practices
 - strategies that focus on the way that the T-CIO process is implemented by professionals and the practices that can be used to inform or improve district and state prekindergarten-kindergarten learning environments and alignment efforts.
 4. The PTK T-CIO will provide necessary support, resources, and time for staff to work on strategies identified in the project implementation plan.
 5. The VPK T-CIO participate in scheduled project discussion sessions facilitated by MDE AR and project manager. The dates and times of project discussion sessions are to be determined by MDE AR and Governmental Unit using the Zoom or Teams platform.
 6. The VPK T-CIO will complete an MDE created post-project survey that will document progress on VPK T-CIO Project Implementation Plan. The post-assessment should be completed no later than June 16, 2023. The survey will:
 - a. Identify project impact and progress on learning strategies and professional practices for individual staff with identified roles in teacher-child interaction observation processes within the LEA.
 - b. Identify project impact on classroom or grade level practices through collective professional learning

activities.

- c. Identify strategies that used T-CIO data to improve district and/or state prekindergarten-kindergarten alignment processes.
- d. Begin identifying components and/or priorities for local and state continuous improvement efforts related to T-CIO.

2.2 MDE responsibilities will include:

1. Provide pre- and post-project survey tools and analyze data.
2. Provide a virtual introductory session for the project coordinators and implementation specialists
3. Review T-CIO Project Implementation plans and provide feedback.
4. Schedule monthly conference calls with project coordinators and/or implementation specialists and others that are working on this project and arrange individualized check-in calls as needed to support project implementation activities.
5. Assist the T-COI project coordinators with gathering and analyzing data.
6. Plan and provide a wrap-up event in May or June that will be mutually agreed upon between MDE and the Governmental Unit.



**Agenda IV.B.4.
February 9, 2023**

To: Board of Education
From: Dr. Theresa Battle, superintendent
Date: February 2, 2023
Re: Strategic Roadmap Dashboard

Recommendation: That the Board of Education approves the Strategic Roadmap Dashboard.

Summary: The Strategic Roadmap Dashboard are the metrics to determine the success of the district's implementation of Strategic Directions:

- Creating space and opportunity for each and every voice to be heard
- Actively leading by developing and sustaining a diverse and equitable education system
- Supporting and leveraging innovation to improve student outcomes and district culture
- Engaging our community to ensure common understanding of our Strategic Roadmap and the district work to support it

The Dashboard includes mandated metrics from Minnesota's Accountability Plan, specifically metrics for World's Best Workforce and Achievement and Integration.

Strategic Roadmap Dashboard

Creating space and opportunity for each and every voice to be heard	Actively leading by developing and sustaining a diverse and equitable education system	Supporting and leveraging innovation to improve student outcomes and district culture	Engaging our community to ensure common understanding of our Strategic Roadmap and district work to support it
---------------------------------------------------------------------	----------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

MN Student Survey	WBWF: Outcome Gap*	WBWF: Career & College Ready * - rigorous coursework	Parent/Community Survey
Parent/Community Survey	Diverse Staff-hiring and retention	WBWF/A&I: Graduation*	
Employee Indicator(s)	WBWF/A&I: kindergarten literacy*	Annual report on school/department innovative programs/actions (a yearly count with descriptions)	
	A&I: rigorous coursework*		
	Discipline Disproportionality	Profile of Learner: Competencies	

Enrollment

**mandated metrics*



**Agenda IV.B.5.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

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

Date: February 2, 2023

Re: Policy 613: *Graduation Requirements*

Recommendation: Approve, on a first reading basis, changes to Policy 613: *Graduation Requirements*.

Policy 613 was reviewed by the Policy Review Committee on January 24, 2023.

Summary of changes:

- MSBA update legal references and administration updated graduation requirements.

Adopted: 4/1997
 Reviewed: ~~6/9/2022~~ 6/9/2023
 Revised: ~~6/16/MSBA~~ 2022
 Rescinds: IKF

Burnsville-Eagan-Savage School District Policy 613

613 GRADUATION REQUIREMENTS

I. PURPOSE

The purpose of this policy is to set forth requirements for graduation from the school district.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is that all students must demonstrate, as determined by the school district, their satisfactory completion of the credit requirements and their understanding of academic standards. The school district must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. ~~The policy of the school district is that all students entering grade 8 in the 2011-2012 school year and earlier must satisfactorily complete, as determined by the school district, all credit requirements, all state academic standards, or local standards where state standards do not apply, and successfully pass graduation examinations, as required, in order to graduate. For students entering grade 8 in the 2012-2013 school year and later, the school district's policy is that students must demonstrate, as determined by the school district, their satisfactory completion of the credit requirements and their understanding of academic standards. The school district must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule.~~

III. DEFINITIONS

- A. "Academic standard" means: (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, or the arts, or (2) a locally adopted expectation for student learning in health, the arts, career and technical education, or world languages.
- B. "Credit" means a student's successful completion of a semester n academic year of study or a student's mastery of the applicable subject matter, as determined by the school district, ~~and sufficient to satisfy applicable academic standards.~~
- C. "Section 504 Accommodation" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities.
- D. "Individualized Education Program" or "IEP" means a written statement developed for a student eligible by law for special education and services.

- E. “English language learners” or “ELL” student means an individual whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency. 177

F. ~~“GRAD” means the graduation required assessment for diploma that measures the reading, writing, and mathematics proficiency of high school students.~~

IV. DISTRICT ASSESSMENT ADMINISTRATOR

The Assessment, Data and Research Coordinator shall serve as ~~the school district assessment administrator~~ ~~(Position Title) shall be named the~~ District Assessment Coordinator. Said person shall be in charge of all test procedures and shall bring recommendations to the school board annually for approval. :

V. GRADUATION ASSESSMENT REQUIREMENTS

A. Achievement and career and college readiness in mathematics, reading, and writing, as measured against a continuum of empirically derived, clearly defined benchmarks focused on students’ attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without the need for postsecondary remediation and which facilitates the monitoring of students’ continuous development of and growth in requisite knowledge and skills; analysis of students’ progress and performance levels, identification of students’ academic strengths and diagnosis of areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and determination of students’ learning and instructional needs and the instructional tools and best practices that support academic rigor for the student based on analysis of students’ progress and performance data; and ~~Graduation assessment requirements for students first enrolled in grade 8 in 2011-12 or earlier are~~ :

- ~~1. Meet or have met graduation assessment requirements through routes related to the Graduation Required Assessments for Diploma (GRAD)*; OR~~
- ~~2. Take or have taken The ACT + Writing, the WorkKeys, the Compass, or the Armed Services Vocational Aptitude Battery (ASVAB); OR~~
- ~~3. Meet or have met district alternative, equivalent assessment to satisfy the graduation assessment requirements.~~

B. Consistent with this paragraph and Minnesota Statutes section 120B.125 (see ~~Policy 604, Section II.H.~~); beginning in grade 6 and no later than grade 9, age-appropriate exploration and planning activities and career assessments to encourage students to identify personally relevant career interests and aptitudes and help students and their families develop a regularly reexamined transition plan for postsecondary education or employment without need for postsecondary remediation. Students first enrolled in grade 8 in 2012-13 or later are not required to take any graduation assessments. However, all students must:

- C. Based on appropriate state guidelines, students with an IEP may satisfy state graduation requirements by achieving an individual score on the state-identified alternative assessments.
- D. Students meeting the state graduation requirements under this section must receive targeted, relevant, academically rigorous, and resourced instruction which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation.
- E. Students meeting the state graduation requirements under this section and who are students in grades 9-12 ~~11 or 12~~ and who are identified as academically ready for a career or college are actively encouraged by the school district to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment to graduate from high school.
- F. A student's progress toward career and college readiness must be recorded on the student's high school transcript.

~~1. Be provided the opportunity to participate in a district-provided college entrance exam in grade 11 or grade 12; AND~~

~~2. Be provided assistance, no later than grade 9, in exploration and planning activities for career interests or post-secondary education.~~

VI. GRADUATION CREDIT REQUIREMENTS

- ~~A. _____ Students who first enrolled in grade 9 in the 2016-2017 school year or later who first enrolled in grade 9 in the 2015-16 school year must successfully complete 46 high school level credits for graduation; as determined by the school district, 32 high school level credits for graduation. Requirements for graduation are as follows:~~
 - ~~A. FourEight -credits of language arts sufficient to satisfy all academic standards in English language arts;~~
 - ~~B. ThreeSix credits of mathematics sufficient to satisfy all academic standards in mathematics, including an algebra II credit or its equivalent, sufficient to satisfy all of the academic standards in mathematics;~~
 - ~~C. An algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade standards in mathematics;~~
 - ~~D. ThreeSix credits of science, including two credits of physical science, two credits of biology, and two credits of chemistry; at least: (a) one credit of biology; (b) one credit of chemistry or physics; and (c) one elective credit of science. The combination of~~

~~credits must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science;~~

~~E. Three and one-half~~ Seven credits of social studies, including one credit of geography, two credits of world history, two credits of American history, one credit of government, and one credit of economics; encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

~~F. One~~ Two credits in the arts sufficient to satisfy all of the state or local academic standards in the arts; and

~~G. One credit of health;~~

~~H. One credit of physical education;~~

~~I. Incoming freshman must complete one credit of College and Career Planning, required during the freshman year. This requirement may be met by:~~

~~1. Success 191, AVID Elective 9, college and career planning content-based English language development course, or coursework aligned to IEP transition goals.~~

~~1.—Students enrolling in subsequent years will be required to complete an additional elective to meet the total number required for graduation; and~~

~~2. —~~

~~JG. A minimum of seven elective credits.~~ Fourteen credits of electives.

~~KH. Credit equivalencies~~

~~1. A one-half credit of economics taught in a school's agriculture education or business department may fulfill a one-half credit in social studies under Paragraph E., above, if the credit is sufficient to satisfy all of the academic standards in economics.~~

~~2. An agriculture science or career and technical education credit may fulfill the elective science credit required under Paragraph D., above, if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the school district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under Paragraph D., above, if the credit meets the state chemistry or physics academic standards as approved by the school district. A student must satisfy either all of the chemistry or physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under Paragraph D., above.~~

3. A career and technical education credit may fulfill a mathematics or arts credit requirement under Paragraph B. or Paragraph F., above.
 4. A computer science credit may fulfill a mathematics credit requirement under Paragraph B., above, if the credit meets state academic standards in mathematics.
 5. A Project Lead the Way credit may fulfill a mathematics or science credit requirement under Paragraph B. or Paragraph D., above, if the credit meets the state academic standards in mathematics or science.
- ~~1.—Successfully complete the following courses: Geography 9, English9, Math-9, Earth/Physical Science 9;~~
 - ~~2.—Successfully complete 32 high school level credits in grades 10-12.—~~
 - ~~a.—Six credits of social studies, including world history, American history, government, and economics;~~
 - ~~b.—Four credits of mathematics, including geometry and algebra II;~~
 - ~~e.—Four credits of science, including biology and chemistry;~~
 - ~~d.—Two credits in the arts;~~
 - ~~e.—One credit of health;~~
 - ~~f.—One credit of physical education; and~~
 - ~~g.—Eight credits of electives.~~
- ~~B.—Students who first enrolled in grade 9 in the 2016-2017 school year or later must successfully complete 46 high school level credits for graduation.~~
- ~~1.—Eight credits of language arts;~~
 - ~~2.—Six credits of mathematics, including two credits of geometry, two credits of Algebra II, and two credits of statistics and probability;~~
 - ~~3.—Six credits of science, including two credits of physical science, two credits of biology and two credits of chemistry;~~
 - ~~4.—Seven credits of social studies, including one credit of geography, two credits of world history, two credits of American history, one credit of government and one credit of economics~~
 - ~~5.—Two credits in the arts;~~
 - ~~6.—One credit of health;~~

~~7. One credit of physical education;~~

~~I. Incoming freshman must complete one credit of College and Career Planning, required during freshman year. This requirement may be met by:~~

~~a. Success 191, AVID Elective 9, college and career planning content-based English language development course, or coursework aligned to IEP transition goals.~~

~~b. Students enrolling in subsequent years will be required to complete an additional elective credit to meet the number required.~~

~~9. J. Fourteen credits of electives.~~

VII. GRADUATION STANDARDS REQUIREMENTS

A. All students must demonstrate their understanding of the following academic standards:

1. District determined standards, Health (K-12)
2. District determined standards, Career and Technical Education (K-12) and

~~3. District adopted determined standards, developed by the American Council on the Teaching of Foreign Languages, World Language (K-12)~~

~~B. Academic standards in health, world languages, and career and technical education will be reviewed as part of the curriculum review process on an annual basis. *—A school district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages.~~

~~* Reviews are required to be conducted on a periodic basis. Therefore, this time period may be changed to accommodate individual school district needs.~~

~~3.~~

B. All students must satisfactorily complete the following required Graduation Standards in accordance with the standards developed by the Minnesota Department of Education (MDE):

1. Minnesota Academic Standards, English Language Arts K-12;
2. Minnesota Academic Standards, Mathematics K-12;
3. Minnesota Academic Standards, Science K-12;
4. Minnesota Academic Standards, Social Studies K-12;

5. Minnesota Academic Standards, Physical Education K-12; and
6. Minnesota Academic Standards, Arts K-12.

C.B. The academic standards for language arts, mathematics, and science apply to all students except the very few students with extreme cognitive or physical impairments for whom an IEP team has determined that the required academic standards are inappropriate. An IEP team that makes this determination must establish alternative standards.

VIII. EARLY GRADUATION

Students may be considered for early graduation, as provided for within Minnesota Statutes section 120B.07, upon meeting the following conditions:

- A. All course or standards and credit requirements must be met;
- B. The principal or designee shall conduct an interview with the student and parent or guardian, familiarize the parties with opportunities available in post-secondary education, and arrive at a timely decision; and
- C. The principal's decision shall be in writing and may be subject to review by the superintendent and school board.

Legal References: Minn. Stat. § 120B.018 (Definitions)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)

Minn. Stat. § 120B.021 (Required Academic Standards)
Minn. Stat. § 120B.023 (Benchmarks)
Minn. Stat. § 120B.024 ([for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce](#))~~for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce~~)
~~Credits~~ Minn. Stat. § 120B.07 (Early Graduation)
Minn. Stat. § 120B.11 (School District Process) [for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce](#))
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)Minn.

Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)Minn.
Rules Parts 3501.1300-3501.1345 (Academic Standards for Social
Studies)
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical
Education)
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

Cross References: Burnsville-Eagan-Savage School District Policy 104 (School District Mission Statement)
Burnsville-Eagan-Savage School District Policy 601 (School District Curriculum and Instruction Goals)
Burnsville-Eagan-Savage School District Policy 614 (School District Testing Plan and Procedure)
Burnsville-Eagan-Savage School District Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
Burnsville-Eagan-Savage School District Policy 616 (School District System Accountability)



**Agenda IV.B.6.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Stacey Sovine, executive director of administrative services

Date: February 2, 2023

Re: Policy 705: *Investments*

Recommendation: Approve, on a first reading basis, changes to Policy 705: *Investments*.

Policy 705 was reviewed by the Policy Review Committee on January 24, 2023.

Summary of changes:

- MSBA updated references and other reporting requirements.

Adopted: 2/1997, 1/2005
 Reviewed: ~~5/9/2019~~ 9/2023
 Revised: 5/23/2019 MSBA 2022
 Rescinds: DFA, DG

Burnsville-Eagan-Savage School District Policy 705

705 INVESTMENTS

I. PURPOSE

The purpose of this policy is to establish guidelines for the investment of school district funds.

II. GENERAL STATEMENT OF POLICY

The policy of this school district is to comply with all state laws relating to investments and to guarantee that investments meet certain primary criteria.

III. SCOPE

This policy applies to all investments of the surplus funds of the school district, regardless of the fund accounts in which they are maintained, unless certain investments are specifically exempted by the school board through formal action.

IV. AUTHORITY; OBJECTIVES

- A. The funds of the school district shall be deposited or invested in accordance with this policy, Minn-esota Stat-utes Ch-apter 118A and any other applicable law or written administrative procedures.
- B. The primary criteria for the investment of the funds of the school district, in priority order, are as follows
 1. Safety and Security. Safety of principal is the first priority. The investments of the school district shall be undertaken in a manner that seeks to ensure the preservation of the capital in the overall investment portfolio.
 2. Liquidity. The funds shall be invested to assure that funds are available to meet immediate payment requirements, including payroll, accounts payable, and debt service.
 3. Return and Yield. The investments shall be managed in a manner to attain a market rate of return through various economic and budgetary cycles, while preserving and protecting the capital in the investment portfolio and taking into account constraints on risk and cash flow requirements.

V. DELEGATION OF AUTHORITY

- A. The Executive Director of ~~Business-Administrative~~ Services of the school district is designated as the investment officer of the school district and is responsible for investment decisions and activities under the direction of the school board. The investment officer shall operate the school district's investment program consistent with this policy. The investment officer may delegate certain duties to a designee or designees but shall remain responsible for the operation of the program.
- B. All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the school district.

VI. STANDARD OF CONDUCT

The standard of conduct regarding school district investments to be applied by the investment officer shall be the "prudent person standard." Under this standard, the investment officer shall exercise that degree of judgment and care, under the circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, investing not for speculation and considering the probable safety of their capital as well as the probable investment return to be derived from their assets. The prudent person standard shall be applied in the context of managing the overall investment portfolio of the school district. The investment officer, acting in accordance with this policy and exercising due diligence, judgment, and care commensurate with the risk, shall not be held personally responsible for a specific security's performance or for market price changes. Deviations from expectations shall be reported in a timely manner and appropriate actions shall be taken to control adverse developments.

VII. MONITORING AND ADJUSTING INVESTMENTS

The investment officer shall routinely monitor existing investments and the contents of the school district's investment portfolio, the available markets, and the relative value of competing investment instruments.

VIII. INTERNAL CONTROLS

The investment officer shall establish a system of internal controls which shall be documented in writing. The internal controls shall be reviewed by the school board and shall be annually reviewed for compliance by the school district's independent auditors. The internal controls shall be designed to prevent and control losses of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions by officers, employees, or others. The internal controls may include, but shall not be limited to, provisions relating to controlling collusion, separating functions, separating

transaction authority from accounting and record keeping, custodial safekeeping, avoiding bearer form securities, clearly delegating authority to applicable staff members, limiting securities losses and remedial action, confirming telephone transactions in writing, supervising and controlling employee actions, minimizing the number of authorized investment officials, and documenting transactions and strategies.

IX.VIII. PERMISSIBLE INVESTMENT INSTRUMENTS

The school district may invest its available funds in those instruments specified in Minn-esota Stat-utes §§sections 118A.04 and 118A.05, as these sections may be amended from time to time, or any other law governing the investment of school district funds. The assets of another postemployment benefits (OPEB) trust or trust account established pursuant to Minn-esota Stat-utes §section 471.6175 to pay postemployment benefits to employees or officers after their termination of service, with a trust administrator other than the Public Employees Retirement Association, may be invested in instruments authorized under Minn-esota Stat-utes Ch-apter 118A or §section 356A.06, subdivision Subd.-7. Investment of funds in an OPEB trust account under Minn-esota Stat-utes §section 356A.06, subdivisionSubd. 7, as well as the overall asset allocation strategy for OPEB investments, shall be governed by an OPEB Investment Policy Statement (IPS) developed between the investment officer, as designed herein, and the trust administrator.

IX. PORTFOLIO DIVERSIFICATION; MATURITIES

- A. Limitations on instruments, diversification, and maturity scheduling shall depend on whether the funds being invested are considered short-term or long-term funds. All funds shall normally be considered short-term except those reserved for building construction projects or specific future projects and any unreserved funds used to provide financial-related managerial flexibility for future fiscal years.
- B. The school district shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.

1. The investment officer shall prepare and present a table to the school board for review and approval. The table shall specify the maximum percentage of the school district's investment portfolio that may be invested in a single type of investment instrument, such as U.S. Treasury Obligations, certificates of deposit, repurchase agreements, banker's acceptances, commercial paper, etc. The approved table shall be attached as an exhibit to this policy and shall be incorporated herein by reference.
2. The investment officer shall prepare and present to the school board for its review and approval a recommendation as to the maximum percentage of the total investment portfolio that may be held in any one depository. The approved recommendation shall be attached as an exhibit or part of an exhibit to this policy and shall be incorporated herein by reference.

~~1. The investment officer shall prepare an investment table in the annual financial statements specifying the accounts invested in a single type of investment instrument~~

23. Investment maturities shall be scheduled to coincide with projected school district cash flow needs, taking into account large routine or scheduled expenditures, as well as anticipated receipt dates of anticipated revenues. Maturities for short-term and long-term investments shall be timed according to anticipated need. Within these parameters, portfolio maturities shall be staggered to avoid undue concentration of assets and a specific maturity sector. The maturities selected shall provide for stability of income and reasonable liquidity.

XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

Before the school district invests any surplus funds in a specific investment instrument, a competitive bid or quotation process shall be utilized. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations or bids shall be requested for instruments which meet the maturity requirement. If no specific maturity is required, a market trend analysis, which includes a yield curve, will normally be used to determine which maturities would be most advantageous. Quotations or bids shall be requested for various options with regard to term and instrument. The school district will accept the quotation or bid which provides the highest rate of return within the maturity required and within the limits of this policy. Generally all quotations or bids will be computed on a consistent basis, i.e., a 360-day or a 365-day yield. Records will be kept of the quotations or bids received, the quotations or bids accepted, and a brief explanation of the decision that was made regarding the investment. If the school district contracts with an investment advisor, bids are not required in those circumstances specified in the contract with the advisor.

XII. QUALIFIED INSTITUTIONS AND BROKER-DEALERS

- A. The school district shall maintain a list of the financial institutions that are approved for investment purposes.
- B. Prior to completing an initial transaction with a broker, the school district shall provide to the broker a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with Minnesota statutes governing the investment of public funds. The broker must annually acknowledge receipt of the statement of investment restrictions and agree to handle the school district's account in accordance with these restrictions. The school district may not enter into a transaction with a broker until the broker has provided this annual written agreement to the school district. The notification form to be used shall be that prepared by the State Auditor. A copy of this investment policy, including any amendments thereto, shall be provided to each such broker.

XIII. SAFEKEEPING AND COLLATERALIZATION

- A. All investment securities purchased by the school district shall be held in third-party safekeeping by an institution designated as custodial agent. The custodial agent may be any Federal Reserve Bank, any bank authorized under the laws of the United States or any state to exercise corporate trust powers, a primary reporting dealer in United States Government securities to the Federal Reserve Bank of New York, or a securities broker-dealer defined in Minn-~~esota~~ Stat-~~utes~~ [§section](#) 118A.06. The institution or dealer shall issue a safekeeping receipt to the school district listing the specific instrument, the name of the issuer, the name in which the security is held, the rate, the maturity, serial numbers and other distinguishing marks, and other pertinent information.
- B. Deposit-type securities shall be collateralized as required by Minn-~~esota~~ Stat-~~utes~~ [§section](#) 118A.03 for any amount exceeding FDIC, SAIF, BIF, FCUA, or other federal deposit coverage.
- C. Repurchase agreements shall be secured by the physical delivery or transfer against payment of the collateral securities to a third party or custodial agent for safekeeping. The school district may accept a safekeeping receipt instead of requiring physical delivery or third-party safekeeping of collateral on overnight repurchase agreements of less than \$1,000,000.

XIVH. REPORTING REQUIREMENTS

- A. The investment officer shall generate daily and monthly transaction reports for management purposes. In addition, the school board shall be provided a monthly report that shall include data on investment instruments being held as well as any narrative necessary for clarification.
- B. The investment officer shall prepare and submit to the school board a quarterly investment report that summarizes recent market conditions, economic developments, and anticipated investment conditions. The report shall summarize the investment strategies employed in the most recent quarter and describe the investment portfolio in terms of investment securities, maturities, risk characteristics, and other features. The report shall summarize changes in investment instruments and asset allocation strategy approved by the investment officer for an OPEB trust in the most recent quarter. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report shall include an appendix that discloses all transactions during the past quarter. Each quarterly report shall indicate any areas of policy concern and suggested or planned revisions of investment strategies. Copies of the report shall be provided to the school district's auditor.
- C. Within ninety (90) days after the end of each fiscal year of the school district, the investment officer shall prepare and submit to the school board a comprehensive annual report on the investment program and investment activity of the school district for that fiscal year. The annual report shall include 12-month and separate

quarterly comparisons of return and shall suggest revisions and improvements that might be made in the investment program.

~~B. —As part of the financial audit, the investment officer shall prepare and submit to the school board a comprehensive annual report on the investment program and investment activity of the school district for that fiscal year.~~

DC. If necessary, the investment officer shall establish systems and procedures to comply with applicable federal laws and regulations governing the investment of bond proceeds and funds in a debt service account for a bond issue. The record keeping system shall be reviewed annually by the independent auditor or by another party contracted or designated to review investments for arbitrage rebate or penalty calculation purposes.

XIV. DEPOSITORIES

The school board shall annually designate one or more official depositories for school district funds. The treasurer or the chief financial officer of the school district may also exercise the power of the school board to designate a depository. The school board shall be provided notice of any such designation by its next regular meeting. The school district and the depository shall each comply with the provisions of Minn-esota Stat-utes §section 118A.03 and any other applicable law, including any provisions relating to designation of a depository, qualifying institutions, depository bonds, and approval, deposit, assignment, substitution, addition, and withdrawal of collateral.

XV. ELECTRONIC FUNDS TRANSFER OF FUNDS FOR INVESTMENT

The school district may make electronic fund transfers for investments of excess funds upon compliance with Minn. Stat. § 471.38.

Legal References: Minn. Stat. § 118A.01 (~~Public Funds; Depositories and Investments~~Definitions)
 Minn. Stat. § 118A.02 (~~Authorization for Deposit and Investment~~Depositories; Investing; Sales; Proceeds; Immunity)
 Minn. Stat. § 118A.03 (~~Depositories and Collateral~~When and What Collateral Required)
 Minn. Stat. § 118A.04 (Investments)
 Minn. Stat. § 118A.05 (Contracts and Agreements)
 Minn. Stat. § 118A.06 (~~Delivery and Safekeeping~~Safekeeping; Acknowledgements)
 Minn. Stat. § 356A.06, Subd. 7 (~~Authorized Investment~~Securities Investments; Additional Duties)
 Minn. Stat. § 471.38 (Claims)
 Minn. Stat. § 471.6175 (Trust for Postemployment Benefits)

Cross References: Burnsville-Eagan-Savage School District Policy 703 (Annual Audit)
MSBA Service Manual, Chapter 7, Education Funding

Minnesota Legal Compliance Audit Guide [for School Districts](#) Prepared
by the Office of the State Auditor



**Agenda IV.B.7.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Dr. Chris Bellmont, assistant superintendent

Date: February 2, 2023

Re: Policy 602: *Organization of School Calendar*

Recommendation: Approve, on a first reading basis, changes to Policy 602: *Organization of School Calendar*.

Policy 602 was reviewed by the Policy Review Committee on January 24, 2023.

Summary of changes:

- MSBA update legal references and text.

Adopted: 4/1991
 Reviewed: ~~8/12/2021~~2/9/2023
 Revised: ~~10/22/2020~~MSBA 2022
 Rescinds: IC, ICA & ID

Burnsville-Eagan-Savage School District Policy 602

602 ORGANIZATION OF SCHOOL CALENDAR AND SCHOOL DAY

I. PURPOSE

The purpose of this policy is to establish a timely process for determination of the school calendar and school day.

II. GENERAL STATEMENT OF POLICY

The school calendar and schedule of the school day are important to parents, students, employees, and the general public for advance, effective planning of the school year.

III. CALENDAR RESPONSIBILITY

A. The school calendar shall be adopted by the school board. The calendar shall meet all provisions of Minnesota statutes pertaining to minimum number of minutes and other provisions of law. The school calendar shall establish student days, workshop days for staff, provide for emergency closings and other information related to students, staff, and parents.

1. The superintendent or designee shall submit a calendar recommendation for the following school year to the school board no later than November of each year.
2. The school calendar will establish at least 170 student contact days and the contractual work days for instructional staff.

B. Except for learning programs during summer and flexible learning year programs, the school district will not commence an elementary or secondary school year before Labor Day, except as provided in Section III.B.1., III.B.2., or III.B.3. Days devoted to teacher's workshops may be held before Labor Day.

-
1. The school district may begin the school year on any day before Labor Day to accommodate a construction or remodeling project of \$400,000 or more affecting a school district school facility.

-
2. The school district may begin the school year on any day before Labor Day if the school district has agreement under Minnesota Statutes section

123A.30, 123A.32, or 123A.35 with a school district that qualifies under Section III.B.1.

3. The school district may begin the school year on any day before Labor Day if the school district agrees to the same schedule with a school district in an adjoining state.

The following dates are designated as non-classroom days: Labor Day, two days in October during the annual convention for Education Minnesota, Thanksgiving and the Friday after Thanksgiving, Martin Luther King, Jr., Day, and Memorial Day. A winter break of at least seven days (excluding weekends) will be scheduled.

- C. Employee and advisory groups shall be provided an opportunity to participate in school calendar considerations through a meet and confer process.

IV. SCHOOL DAY RESPONSIBILITY

- A. The superintendent or designee shall be responsible for developing a schedule for the student day, subject to review by the school board. All requirements and provisions of Minnesota Statutes and Minnesota Department of Education Rules shall be met.
- B. In developing the student day schedule, the superintendent or designee shall consider such factors as school bus schedules, cooperative programs, differences in time requirements at various grade levels, effective utilization of facilities, cost effectiveness, and other concerns deserving of attention.
- C. The superintendent or designee shall establish a schedule for the school day that exceeds the minimum number of hours established in Minnesota statute by at least two instructional days to provide for possible emergency closings.
- D. Proposed changes in the school day shall be subject to review and approval by the school board.

V. E-LEARNING DAYS

- A. An “e-learning day” is a school day where a school offers full access to online instruction provided by students’ individual teachers due to inclement weather.
- B. A school district may designate up to five e-learning days in one school year.
- C. An e-learning day is counted as a day of instruction and included in the hours of instruction pursuant to Section III.A., above.
- D. The e-learning day plan developed by the school district will include accommodations for students without Internet access at home and for digital

device access for families without the technology or with an insufficient amount of technology for the number of children in the household. The plan must also provide accessible options for students with disabilities.

- E. The school district must notify parents and students of its e-learning day plan at the beginning of each school year.
- F. When an e-learning day is declared by the school district, notice must be provided to parents and students at least two hours prior to the normal school start time that students will need to follow the e-learning day plan for that day.
- G. On an e-learning day, each student's teacher must be accessible both online and by telephone during normal school hours to assist students and parents.

Legal References: Minn. Stat. § 120A.40 (School Calendar)
Minn. Stat. § 120A.41 (Length of School Year; **Days-Hours** of Instruction)
Minn. Stat. § 120A.414 (E-Learning Days)
Minn. Stat. § 120A.415 (Extended School Calendar)
Minn. Stat. § 120A.42 (**Conduct of School on Certain** Holidays)
Minn. Stat. § 122A.40, Subds. 7 and 7a (Employment; Contracts; Termination)
Minn. Stat. § 122A.41, Subds. 4 and 4a (Teacher Tenure Act; Cities of the First Class; Definitions)
Minn. Stat. § 123A.30 (Agreements for Secondary Education)
Minn. Stat. § 123A.32 (Interdistrict Cooperation)
Minn. Stat. § 123A.35 (Cooperation and Combination)
Minn. Stat. § 124D.126 (Powers and Duties of Commissioner; Flexible Learning Year Programs)
Minn. Stat. § 124D.151 (Voluntary Prekindergarten Program)
Minn. Stat. § 124E.25 (Payment of Aids to Charter Schools)
Minn. Stat. § 127A.41, Subd. 7 (Distribution of School Aids; Appropriation)

Cross References: Burnsville-Eagan-Savage School District Policy 425 (Staff Development)



**Agenda IV.B.8.
February 9, 2023**

To: Board of Education
Dr. Theresa Battle, superintendent

From: Aaron Tinklenberg, director of communications

Date: February 2, 2023

Re: Policy 104: *School District Mission Statement*

Recommendation: Approve, on a first reading basis, changes to 104: *School District Mission Statement*.

Summary of changes:

- MSBA deleted rules citation
- remove the vision/core values language,
- update section II to reference vision, values & strategic directions
- update the review section to be clearer about what's being reviewed and how often
- add a reference to the district strategic roadmap

Adopted: 9/2012
 Reviewed: ~~11/18/2021~~2/9/2023
 Revised: ~~12/9/2021~~MSBA 2022
 Rescinds: AD, AE/IA, and IA/EA

Burnsville-Eagan-Savage School District Policy 104

104 SCHOOL DISTRICT MISSION STATEMENT

I. PURPOSE

The purpose of this policy is to establish a clear statement of the purpose for which Independent School District 191 exists.

II. GENERAL STATEMENT OF POLICY

The mission statement adopted by the school board is based on the beliefs and values of the community, guides the actions and decision-making of the school district, and provides the context ~~within~~-from which the school district's ~~strategic directions~~vision, core values and strategic directions are derived. The school board, on behalf of and with extensive participation by the community, should develop a consensus among its members regarding the nature of the enterprise the school board governs, the purposes it serves, the constituencies it should consider, including student representation, and the results it intends to produce. The superintendent will assist the school board in review of its strategic plan, including the school district's mission statement.

III. MISSION STATEMENT

Each Student. Future Ready. Community Strong.

IV. STATEMENT OF CORE VALUES

~~Our core values express what we stand for and what we believe in. They are our foundation. They represent the lens through which all our work is done.~~

~~In District 191, we believe in (stand for) ...~~

A. ~~Caring Community~~

~~Our culture will actively encourage and embrace each member of the community, creating a sense of support that fosters their individual growth and pursuit of learning.~~

B. ~~Cultural Proficiency~~

~~Our school community will work to understand our assumptions and biases, making a commitment to value and manage cultural uniquenesses and adapt~~

education to meet the needs of each student.

C. ~~Future Readiness~~

~~Our students will know they are ready to meet every next challenge through the confidence that comes from adventurous exploration and rigorous academics.~~

D. ~~Inclusive Partnership~~

~~Our collaboration and communication will inspire a culture of trust where students, families and staff are reflected in decisions that shape our district.~~

E. ~~Student Agency~~

~~Our students will make choices that personalize their learning journey, proactively building a day-to-day experience that leads them toward their passion and purpose~~

V. ~~VISION STATEMENT~~

~~Our vision statement uses aspirational language to communicate our purpose—it's the change we intend to make in the world.~~

~~We will be a school district that provides transformative learning experiences that mirror students' own stories, and where students will:~~

A. ~~Be equipped to meet rigorous academic challenges that build their capacity to pursue excellence,~~

B. ~~Embrace the humanity of all people and welcome diverse perspectives and voices, and~~

C. ~~Be supported by a caring community that sparks their curiosity and fuels their progress down a self-determined path.~~

VI. ~~RESPONSIBILITIES~~

A. ~~The school board will develop a consensus among its members regarding the nature of the enterprise the school board governs, the purpose it serves, the constituencies it should consider, and the results it intends to produce.~~

B. ~~The superintendent will assist the school board in review of its strategic plan, including the school district's mission statement.~~

VII. REVIEW

The school board will review the school district's mission [statement](#) [policy](#) every three years, ~~as part of the school board's ongoing strategic plan.~~ The school board will conduct

a comprehensive review of the mission, including the beliefs and values of the community and in the context of the district's strategic plan, at least every five to seven years.

Legal References: Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement)
~~Minn. Rule Parts 3501.0010-3501.0180~~
~~Minn. Rule Parts 3501.0200-3501.0270~~

Cross References: Burnsville-Eagan-Savage School District Policy 105 (Equity, Access and Excellence in Education)
[Burnsville-Eagan-Savage School District 191 Strategic Roadmap](#)



**Agenda V.A.
February 9, 2023**

To: Board of Education

From: Dr. Theresa Battle, superintendent, Imina Oftedahl, director of curriculum, instruction and assessment, and Stacey Sovine, executive director of administrative services

Date: February 2, 2023

Re: FY24 Preliminary Budget Discussion

Fiscal Year (FY) 24 Preliminary ²⁰² Budget Assumptions

**Dr. Theresa Battle, superintendent,
Imina Oftedahl, director of curriculum,
instruction and assessment,
and
Stacey Sovine, executive director of
administrative services**

February 9, 2023



Overview: FY24 Budget Approach

- Strategy, process and preliminary budget assumptions.
- Current reality after audit FY22 and revised FY23.
- Share next steps to Board action to adopt FY24 budget by June 2023.



Guiding change - FY24 budget

Guiding questions: Given ISD 191's strategic roadmap requires that the district optimizes resources for student learning. How will the budget for FY24 continue to:

- Support our mission and priorities?
- Position the budget to leverage every funding source available?
- Align with the goals of advancing equitable student outcomes?

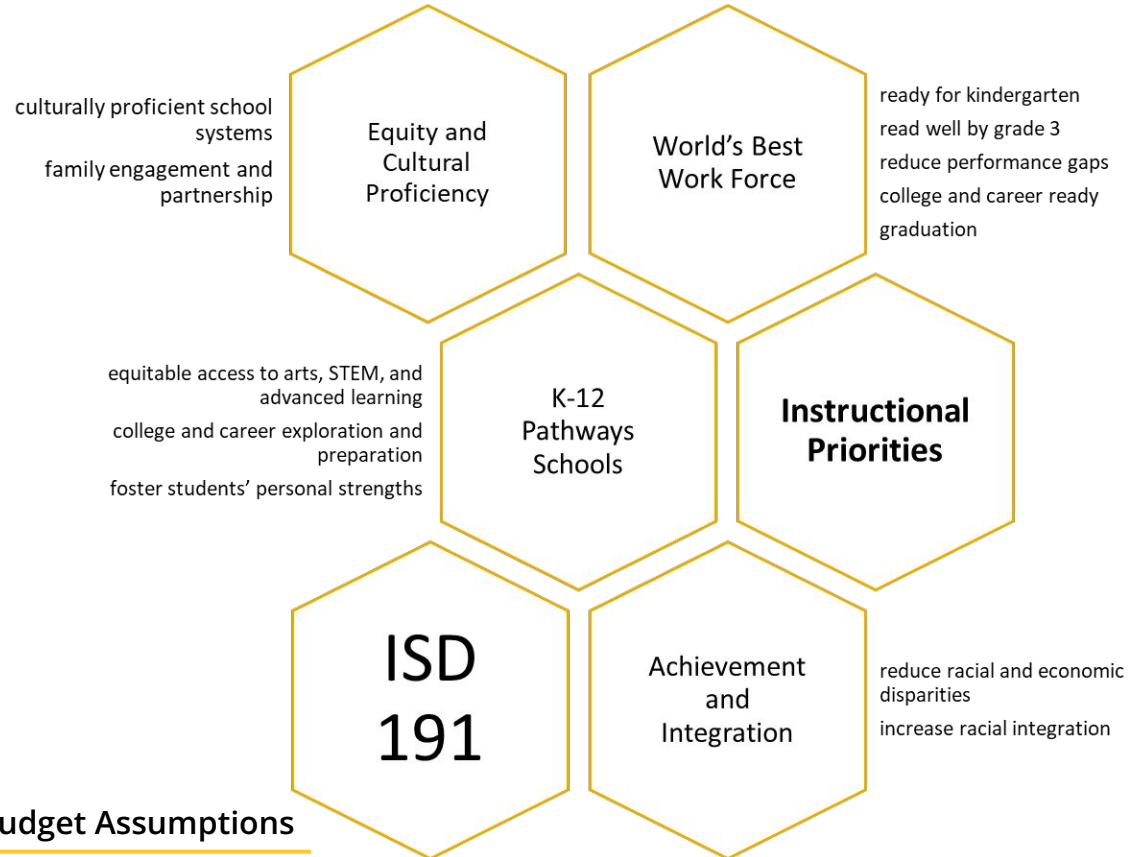
FY24 Strategies for Structurally Sustainable Budget

205

- Prioritize investment for instructional priorities, including PK-12 Pathways.
- Maintain current class size parameters (Enrollment Rightsizing).
- Use of restricted funds before general undesignated funds.
- Understand ebb and flow of revenue streams and expenses.
- Strategic use of federal resources to accelerate learning post pandemic and to position budget for sustainable programming once funds end.

FY24 Strategies: how we use categorical funds

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



FY24 Strategies: how we maintain class sizes

207

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

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

FY24 Strategies: how we maintain class sizes

208

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



FY24 Strategies: Pandemic Federal Relief money

209

- Purpose:
 - Needed for relief, recovery, and to rebound.
 - Health needs (physical, mental, social, emotional), connection to school (physical, digital, social-emotional) and effective learning opportunities.
 - Stakeholder feedback regarding priorities.



- Each budget manager is responsible for the following:
 - Review the budget to ensure that all expenditures for 2022-23 school year have been coded correctly.
 - Identify priority expenditures.
 - Identify any cost savings.
 - Make decisions about discretionary funds.
- Submit budget adjustments and/or request for additional funding.
- Cross-functional team reviews before submission to Superintendent.

FY24 Adopted Budget: Timeline

- **January - February**
 - Board approves FY23 revised budget.
 - Board receives report on FY24 budget assumptions.
- **March**
 - Board discussion of Governor and legislative funding updates in workshop.
 - Superintendent presents adjusted budget recommendations to the Board.
- **June 8** - FY24 Adopted budget presented.
- **June 22** - FY24 Adopted budget approved.

FY24 Preliminary Budget Revenue Assumptions

212

- **Local Aid**

- K-12 enrollment projected for FY23 was 7219.
- K-12 enrollment actual on 1/16/23 was 7457. (+238).
- *K-12 Enrollment assumed for FY24 will be 7,363. (-94).*
- Projected to generate \$6 million in levy aid.

- **State Aid**

- Compensatory revenue increase.
- *Assumption of 3% increase on General Education formula.*
- *Assumption of \$5 million increase in cross subsidies (Special Education and English Learner).*

FY24 Preliminary Budget Revenue Assumptions

213

- **Federal Aid**
 - Elementary and Secondary School Emergency Relief Fund (ESSER) III funds will decrease compared to FY23.
- Combined revenue increase approximately **\$17 million**

FY24 Preliminary Expenditure Assumptions

214

- 2.5% Salary assumptions for all contracts applied.
- 6% Transportation increase assumed based on contract.
- 18% increase on utilities.
- 5% increase on supplies, materials, and other services.
- 9% increase on medical insurance premiums.
- ESSER III funds for all additional positions considered to be continuing.

- Combined expenditure increase approximately **\$9 million**

Current Reality FY 23-24

General Fund Budget Comparative Summary

	Actual Results 2020-21	Actual Results 2021-22	Adopted Budget 2022-23	Revised Budget 2022-23
Total Beginning Fund Balance	\$ 20,326,027	\$ 29,521,880	\$ 29,371,898	\$ 32,521,899
Revenues	129,973,192	126,974,994	125,658,061	127,778,817
Federal Relief Revenues for current costs	4,673,195	3,902,488	3,400,000	4,027,847
Federal Relief Revenues for new costs		5,443,165	6,270,499	5,949,046
Expenditures	120,777,339	127,877,463	130,869,041	131,854,440
Federal Relief Expenditures for new costs	4,673,195	5,443,165	6,270,499	5,949,046
Variance (Revenues - Expenditures)	9,195,853	3,000,019	(1,810,980)	(47,776)
Total Ending Fund Balance	\$ 29,521,880	\$ 32,521,899	\$ 27,560,918	\$ 32,474,123
Breakdown of Fund Balance Categories				
Nonspendable	\$ 382,338	\$ 254,436	\$ 382,338	\$ 254,436
Restricted	9,020,782	9,841,889	8,637,897	10,819,678
Committed	1,849,491	1,837,017	1,168,634	1,394,580
Assigned	5,081,823	1,810,980	-	-
Unassigned	13,187,446	18,777,577	17,372,049	20,005,429
Total Ending Fund Balance	\$ 29,521,880	\$ 32,521,899	\$ 27,560,918	\$ 32,474,123
Unassigned Fund Balance %	10.51%	14.08%	12.67%	14.52%

FY 24 Assumptions

Revenue: **\$17 million**
 Expenditures: **\$9 million**

FY24 Fund Balance Increase:
\$8 million

FY 23 projected Ending Fund
 Balance: **\$32.5 million**

FY 24 projected Ending Fund
 Balance: **\$40.5 million**

Thank You.