



Minnesota State Academies Board

Tuesday, January 12, 2021 at 2:00 PM

Policy Committee Meeting

Electronic Means

615 Olof Hanson Drive

Faribault, MN 55021

Join Zoom Meeting

Link to Zoom mtg

Meeting ID: 875 8727 9597, Passcode: MSA-PC

*One tap mobile +13126266799,,87587279597#,,,,*568130# US (Chicago)*

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|---|----|
| 1. Call to Order | |
| 2. Meeting Minutes Review | 2 |
| 3. Policies to Review from MSBA | |
| A. 709 Student Transportation Safety Policy | 4 |
| B. 710 Extracurricular Transportation Policy | 21 |
| 4. Policies to Review for a Second Reading | |
| A. 409 Employee Publications, Instructional Materials, Inventions, and Creations Policy | 23 |
| B. 505 Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy | 24 |
| 5. Policies to Review Prior to a First Reading | |
| A. 211 Criminal or Civil Action Against MN State Academies; MSA Board Member, Employee, or Student Policy | 29 |
| B. 450 School Volunteers Policy | 32 |
| C. 528 Student Parental, Family and Marital Status Nondiscrimination Policy | 35 |
| D. 744 Fundraising Policy | 37 |
| 6. Adjourn | |

INDIVIDUALS WHO REQUIRE ACCOMMODATIONS
SHOULD CONTACT LOLA BRAND
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Minutes of Policy Committee Meeting Minnesota State Academies Board

A Policy Committee Meeting of the Minnesota State Academies Board was held Monday, October 12, 2020 beginning at 2:00pm via Zoom video meeting.

Present: Marty Duncan; Board Member, Terry Wilding; Superintendent, Bridget Buckingham; HR Director, Jody Olson; MSAD Assistant Director.

Jamers Speier (joined at 2:19pm)

Interpreters: Ariane Schaefer and Ashley Troke

1. Call to Order:

2:05pm

2. Review Meeting Minutes:

September Meeting Minutes were approved.

3. Policies to Review from MSBA:

3.1. MSBA 409-Employee Publications, Instructional Materials, Inventions and Creations:

There was discussion on the value of this policy and committee agreed it would be valuable to have this policy in place at MSA. Terry will make revisions and bring back to the committee for their review at the November meeting.

3.2 MSBA 505- Distribution of Non-School Sponsored Materials on School Premises by Students and Employees:

Terry shared that both political and/or religious materials would be an example of what we would restrict or limit under this policy. Marty stated we should list what is acceptable and what is not acceptable as well as specify outside of school hours. Terry will make revisions and bring back to the committee for their review at the November meeting.

4. Policies to Review for a Second Reading:

4.1 522 Student Sex-Gender-Identity Non-Discrimination Policy:

No recommended changes from Site Councils or additional information added this policy. The Committee agreed this policy is ready to go to the Board for approval.

4.2 531 Pledge of Allegiance:

Terry explained this policy needs to be re-authorized by the MSA Board every three years. No recommended changes from Site Councils or additional information added to

this policy. The Committee agreed this policy is ready to go to the Board for re-authorization.

5. Policies to Review to be revised:

5.1 744 Fundraising:

Terry explained this policy was up for review. He will share and get input from both Site Councils and the MSA Teachers. There was discussion on the number of fundraisers held each year and also discussed was including administration approval on school fundraisers. Terry will make revisions and bring back to the committee for their review at the November meeting.

6. Policies to review prior to a First Reading:

Terry explained he had received some feedback from Marty on this policy and updates were made. Marty added he would like the wording changed from the fourth Board Member may not participate in the conversation to the fourth Board Member is unable to vote on items. Terry will make the revisions and bring to both Site Councils and back to the Committee for review at the November Policy Committee Meeting.

7. Adjourn

2:29pm

Adopted: _____

MSBA/MASA Model Policy 709

Orig. 1995

Revised: _____

Rev. 2014

709 STUDENT TRANSPORTATION SAFETY POLICY

[Note: School districts are required by statute to have a policy addressing these issues.]

I. PURPOSE

The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. School Bus Safety Week

The school district may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

B. Student Training

1. The school district shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
 - a. transportation by school bus is a privilege, not a right;
 - b. school district policies for student conduct and school bus safety;
 - c. appropriate conduct while on the bus;
 - d. the danger zones surrounding a school bus;
 - e. procedures for safely boarding and leaving a school bus;
 - f. procedures for safe vehicle lane crossing; and
 - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instruction materials by the end of the sixth week of school, if they have not previously received school bus

training. Students in grades K through 10 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous school districts shall undergo school bus safety training or receive bus safety instructional materials within 4 weeks of their first day of attendance.

3. The school district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minn. Stat. § 169.446, Subd. 2.
5. The school district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
7. The school district may provide kindergarten students with school bus safety training before the first day of school.
8. The school district may provide student safety education for bicycling and pedestrian safety for students in grades K through 5.
9. The school district shall adopt and make available for public review a curriculum for transportation safety education.
10. Nonpublic school students transported by the school district will receive school bus safety training by their nonpublic school. The nonpublic schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the nonpublic school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.

III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. Riding the school bus is a privilege, not a right. The school district's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the school district's transportation

safety director. Serious misconduct may be reported to local law enforcement.

1. School Bus and Bus Stop Rules. The school district school bus safety rules are to be posted on every bus. If these rules are broken, the school district's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the school district's Transportation Office/School Office.
2. Rules at the Bus Stop
 - a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
 - b. Respect the property of others while waiting at your bus stop.
 - c. Keep your arms, legs, and belongings to yourself.
 - d. Use appropriate language.
 - e. Stay away from the street, road, or highway when waiting for the bus.
 - f. Wait until the bus stops before approaching the bus.
 - g. After getting off the bus, move away from the bus.
 - h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
 - i. No fighting, harassment, intimidation, or horseplay.
 - j. No use of alcohol, tobacco, or drugs.
3. Rules on the Bus
 - a. Immediately follow the directions of the driver.
 - b. Sit in your seat facing forward.
 - c. Talk quietly and use appropriate language.
 - d. Keep all parts of your body inside the bus.
 - e. Keep your arms, legs, and belongings to yourself.
 - f. No fighting, harassment, intimidation, or horseplay.

- g. Do not throw any object.
- h. No eating, drinking, or use of alcohol, tobacco, or drugs.
- i. Do not bring any weapons or dangerous objects on the school bus.
- j. Do not damage the school bus.

4. Consequences

a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with cocurricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of the school district. Parents or guardians will be notified of any suspension of bus privileges.

(1) Elementary (K-6)

1st offense – warning

2nd offense – 3 school-day suspension from riding the bus

3rd offense – 5 school-day suspension from riding the bus

4th offense – 10 school-day suspension from riding the bus/meeting with parent

Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

(2) Secondary (7-12)

1st offense – warning

2nd offense – 5 school-day suspension from riding the bus

3rd offense – 10 school-day suspension from riding the bus

4th offense – 20 school-day suspension from riding the bus/meeting with parent

5th offense – suspended from riding the bus for the remainder of the school year

Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense.

(3) Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school

bus/bus stop misconduct.

(4) Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the school district to local law enforcement and the Department of Public Safety in accordance with state and federal law.

(5) Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2 weeks may result in the loss of bus privileges until damages are paid.

(6) Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

(7) Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate school district personnel and local law enforcement officials will be informed.

IV. PARENT AND GUARDIAN INVOLVEMENT

A. Parent and Guardian Notification

The school district school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with school district rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
3. Communicate safety concerns to their school administrators;
4. Monitor bus stops, if possible;
5. Have their children to the bus stop 5 minutes before the bus arrives;
6. Have their children properly dressed for the weather; and
7. Have a plan in case the bus is late.

V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.
- B. The school district shall conduct mandatory drug and alcohol testing of all school district bus drivers and bus driver applicants in accordance with state and federal law and school district policy.
- C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:
 1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
 2. reckless driving;
 3. improper or erratic traffic lane changes;
 4. following the vehicle ahead too closely;

5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
 6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession.
- D. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing and shall contain all the information set forth in Attachment A accompanying this policy.
- E. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing and shall contain all the information set forth in Attachment B accompanying this policy.
- F. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (i.e., driving while impaired offenses), VII.C.1.h. (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within 10 days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy.

VI. SCHOOL BUS DRIVER TRAINING

A. Training

1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the

initial or previous license verification. The school district shall retain on file an annual individual school bus driver “evaluation certification” form for each school district driver as contained in the Model School Bus Driver Training Manual.

[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]

2. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the school district or the entity from whom such services are contracted by the school district.

B. Evaluation

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual “school bus driver evaluation form” (road test evaluation) as contained in the Model School Bus Driver Training Manual.

[Note: The school district may use alternative assessments rather than those set forth in the Model School Bus Driver Training Manual for bus driver training competencies with the approval of the Commissioner of Public Safety. A driver also may receive at least 8 hours of school bus in-service training in any year as an alternative to being assessed for bus driver competencies after the initial year of being assessed for bus driver competencies.]

VII. OPERATING RULES AND PROCEDURES

A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.

[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]

2. Only students assigned to the school bus by the school district shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to school district policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

[Note: A school district is not required to comply with Section VII.A.5. if the school board determines that alternative locations block traffic, impair student safety, or are not cost effective.]

6. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion or a part of traffic. For purposes of this paragraph, “school bus” has the meaning given in Minn. Stat. § 169.011, Subd. 71. In addition, “school bus” also includes type III vehicles when driven by employees or agents of the school district. “Cellular phone” means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer’s rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.

2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. A type III vehicle cannot be older than 12 years old unless excepted by state and federal law.
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words “school bus” in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A “type III vehicle” must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
 - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver’s compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
 - b. First aid kit and body fluids cleanup kit. A minimum of a 10-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver’s compartment and must be marked to indicate their identity and location.
 - c. Passenger cars and station wagons may carry a fire extinguisher, a

first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.

11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.

C. Type III Vehicle Driven by Employees with a Driver's License Without a School Bus Endorsement

1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
 - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.
 - b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
 - (1) safe operation of a type III vehicle;
 - (2) understanding student behavior, including issues relating to students with disabilities;
 - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
 - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
 - (5) handling emergency situations;

- (6) proper use of seat belts and child safety restraints;
- (7) performance of pretrip vehicle inspections;
- (8) safe loading and unloading of students, including, but not limited to:
 - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
 - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
 - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
 - (d) placing the type III vehicle in “park” during loading and unloading;
 - (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and
- (9) compliance with paragraph V.F. concerning reporting convictions to the employer within 10 days of the date of conviction.

c. A background check or background investigation of the operator has been conducted that meets the requirements under Minn. Stat. § 122A.18, Subd. 8, or Minn. Stat. § 123B.03 for school district employees; Minn. Stat. § 144.057 or Minn. Stat. Ch. 245C for day care employees; or Minn. Stat. § 171.321, Subd. 3, for all other persons operating a type III vehicle under this section.

d. Operators shall submit to a physical examination as required by Minn. Stat. § 171.321, Subd. 2.

e. The operator’s employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer’s policy under Minn. Stat. § 181.951, Subds. 2,

4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.

- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by Minn. Stat. § 171.321, Subd. 5.
 - g. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of violating Minn. Stat. § 169A.25, § 169A.26, § 169A.27 (driving while impaired offenses), or § 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minn. Stat. §§ 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for 5 years from the date of conviction.
 - h. A person who has ever been convicted of a disqualifying offense as defined in Minn. Stat. § 171.3215, Subd.1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
 - i. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of a moving offense in violation of Minn. Stat. Ch. 169 within 3 years of the first of 3 other moving offenses is precluded from operating a type III vehicle for 1 year from the date of the last conviction.
 - j. Students riding the type III vehicle must have training required under Minn. Stat. § 123B.90, Subd. 2 (See Section II.B., above).
 - k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.
2. The type III vehicle must bear a current certificate of inspection issued under Minn. Stat. § 169.451.
3. An employee of the school district who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the school district, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.

D. Type A-I “Activity” Buses Driven by Employees with a Driver’s License Without a School Bus Endorsement

1. The holder of a Class D driver’s license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
 - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
 - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
 - c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
 - d. The operator has submitted to a background check and physical examination as required by Minn. Stat. § 171.321, Subd. 2.
 - e. The operator has a valid driver’s license and has not sustained a conviction of a disqualifying offense as set forth in Minn. Stat. § 171.02, Subd. 2a(h) - 2a(j).
 - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration’s “Guideline for the Safe Transportation of Pre-school Age Children in School Buses,” if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
 - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
3. A school bus operated under this section must bear a current certificate of inspection.
4. The word “School” on the front and rear of the bus must be covered by a sign that reads “Activities” when the bus is being operated under authority of this section.

VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call “911” or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III “Crash & Emergency Preparedness” of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).

[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]

- C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within 1 month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:
 - 1. the student’s name and address;
 - 2. the nature of the student’s disabilities;
 - 3. emergency health care information; and
 - 4. the names and telephone numbers of the student’s physician, parents, guardians, or custodians, and some person other than the student’s parents or custodians who can be contacted in case of an emergency.

IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school district’s record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.

- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

X. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The school board has designated an individual to serve as the school district's school transportation safety director. The school transportation safety director shall have day-to-day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the school district. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required by Minn. Stat. § 171.321, Subd. 4. The transportation safety director also shall annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver's license of each employee who regularly transports students for the school district in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the school district superintendent or the superintendent of the school district where nonpublic students are transported, the school transportation safety director also shall certify to the superintendent that students have received school bus safety training in accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the school district office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

XI. STUDENT TRANSPORTATION SAFETY COMMITTEE

The school board may establish a student transportation safety committee. The chair of the student transportation safety committee is the school district's school transportation safety director. The school board shall appoint the other members of the student transportation safety committee. Membership may include parents, school bus drivers, representatives of school bus companies, local law enforcement officials, other school district staff, and representatives from other units of local government.

Legal References: Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)
Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. § 123B.42 (Textbooks; Individual Instructor or Cooperative Learning Material; Standard Tests)
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)
Minn. Stat. § 123B.90 (School Bus Safety Training)
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)
Minn. Stat. Ch. 169 (Traffic Regulations)
Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)

Minn. Stat. § 169.02 (Scope)
 Minn. Stat. § 169.443 (Safety of School Children; Bus Driver’s Duties)
 Minn. Stat. § 169.446, Subd. 2 (Driver Training Programs)
 Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)
 Minn. Stat. § 169.454 (Type III Vehicle Standards)
 Minn. Stat. § 169.4582 (Reportable Offense on School Buses)
 Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)
 Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
 Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)
 Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)
 Minn. Stat. § 171.168 (Notification of Conviction for Violation by a Commercial Driver)
 Minn. Stat. § 171.169 (Notification of Suspension of License of Commercial Driver)
 Minn. Stat. § 171.321 (Qualifications of School Bus Driver)
 Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)
 Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)
 Minn. Stat. Ch. 245C (Human Services Background Studies)
 Minn. Stat. § 609.02 (Definitions)
 Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)
 49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)
 49 C.F.R. § 383.33 (Notification of Driver’s License Suspensions)
 49 C.F.R. § 383.5 (Transportation Definitions)

Cross References: MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA/MASA Model Policy 707 (Transportation of Public Students)
 MSBA/MASA Model Policy 708 (Transportation of Nonpublic Students)
 MSBA/MASA Model Policy 710 (Extracurricular Transportation)

Adopted: _____

MSBA/MASA Model Policy 710

Orig. 1995

Revised: _____

Rev. 2012

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 administration before transporting a student in a personal vehicle. If a school vehicle is available, the employee will use the school vehicle. The administration 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.

[Note: This policy provides that employees may use a personal vehicle to transport students in an emergency or other unforeseeable circumstance. An “emergency or other unforeseeable circumstance” does not include situations where regular transportation is available or scheduled.

For example, if a scheduled extracurricular event occurs outside of the school district and the school district transports a team or group of students to and from the event, an employee would be prohibited by law from using a personal vehicle to transport some students to the event. In contrast, if a student attending this same event became ill or injured and required immediate transportation home or to a health care facility, the exigent need to transport one student would not constitute regular or scheduled transportation. An employee would have authority to transport the student in a personal vehicle under these circumstances, if using a vehicle that is properly registered and insured. The expectation of the school district is that the employee would immediately contact administration about these circumstances to ensure oversight of the employee’s use of this exception.

Nonregular and nonscheduled transportation also would include situations where some notice may be provided of the need for transportation to a nonscheduled event for which transportation generally is not provided by the school district. For example, a group of students may participate in a scheduled debate competition for which regular school district transportation is provided. Two students advance to a regional competition the following day. Transportation would not have been scheduled to the regional competition as the students’ advancement was not predicted. These circumstances may justify an employee’s use of a personal vehicle to transport the two students to the regional competition, if the vehicle is properly registered and insured. Because the employee has sufficient time to contact an administrator, advance written permission by an administrator would be expected for the purpose of overseeing that the reasons for an employee using a personal vehicle comply with the requirements of the law.]

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)
Minn. Stat. § 169.454, Subd. 13 (Type III Vehicle Standards – Exemption)

Cross References: MSBA/MASA Model Policy 610 (Field Trips)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA Service Manual, Chapter 2, Transportation

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| Policy #: 409 |
| Title: EMPLOYEE PUBLICATIONS, INSTRUCTIONAL MATERIALS, INVENTIONS, AND CREATIONS |
| Date of Initial Approval: NEW |
| Revision/Re-authorization Dates: |
| Reviewers: MSA Superintendent; MSA Instructional Leadership Team |

I. PURPOSE

The purpose of this policy is to identify and reserve the proprietary rights of Minnesota State Academies (MSA) to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

II. GENERAL STATEMENT OF POLICY

Unless the employee develops, creates, or assists in developing or creating a publication, instructional material, computer program, invention, or creation entirely on the employee's own time and without the use of any school district facilities or equipment, the employee shall immediately disclose and, on demand of MSA, assign any rights to publications, instructional materials, computer programs, materials posted on websites, inventions, or creations which the employee develops or creates or assists in developing or creating during the term of employee's employment and for 10 years thereafter. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of MSA relating to such publications, instructional materials, computer programs, materials posted on websites, inventions, and/or creations, including domestic and foreign patents and copyrights.

III. NOTICE OF POLICY

The school district shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

Legal References:

Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions)
17 U.S.C. § 101 et seq. (Copyrights)

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| DPolicy #:505 |
| Title: DISTRIBUTION OF NONSCHOOL-SPONSORED MATERIALS ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES |
| Date of Initial Approval: NEW |
| Revision/Re-authorization Dates: |
| Reviewers: MSA Superintendent; MSA Instructional Leadership Team |

I. PURPOSE

The purpose of this policy is to protect the exercise of students’ and employees’ free speech rights, taking into consideration the educational objectives and responsibilities of the Minnesota State Academies (MSA).

II. GENERAL STATEMENT OF POLICY

- A. MSA recognizes that students and employees have the right to express themselves on school property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, nonschool-sponsored material.
- B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of MSA, the MSA Board adopts the following regulations and procedures regarding distribution of nonschool-sponsored material on MSA property and at school activities.

III. DEFINITIONS

- A. **“Distribute”** or **“Distribution”** means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing material in internal staff or student mailboxes.
- B. **“Nonschool-sponsored material”** or **“unofficial material”** includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks, and other publications funded and/or sponsored or authorized by MSA. Examples of nonschool-sponsored materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects.
- C. **“Obscene to minors”** means:
 - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
 - 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
 - 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

- D. **“Minor”** means any person under the age of eighteen (18).
- E. **“Material and substantial disruption”** of a normal school activity means:
1. Where the normal school activity is an educational program of MSA for which student attendance is compulsory, “material and substantial disruption” is defined as any disruption which interferes with or impedes the implementation of that program.
 2. Where the normal school activity is voluntary in nature (including school athletic events, school plays and concerts, and lunch periods) “material and substantial disruption” is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, specific facts must exist upon which the likelihood of disruption can be forecast including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

- F. **“School activities”** means any activity sponsored by MSA including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.
- G. **“Libelous”** is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

- A. Students and employees of the school district have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, nonschool-sponsored material.
- B. Requests for distribution of nonschool-sponsored material will be reviewed by the administration on a case-by-case basis. However, distribution of the materials listed below is always prohibited. Material is prohibited that:
1. is obscene to minors
 2. is libelous or slanderous
 3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended
 4. advertises or promotes any product or service not permitted to minors by law
 5. advocates violence or other illegal conduct
 6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person’s race, religious, or ethnic origin)

7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
- C. Distribution by students and employees of nonschool-sponsored materials on MSA property are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and manner of distribution, the administration will consider factors including, but not limited to, the following:
1. whether the material is educationally related
 2. the extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities
 3. whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways
 4. the quantity or size of materials to be distributed
 5. whether distribution would require assignment of school district staff, use of school district equipment, or other resources
 6. whether distribution would require that nonschool persons be present on the school grounds
 7. whether the materials are a solicitation for goods or services not requested by the recipients.

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

- A. No nonschool-sponsored material shall be distributed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.
- B. Distribution of nonschool-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school, and school parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
- C. No one shall coerce a student or staff member to accept any publication.
- D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

VI. PROCEDURES

- A. Any student or employee wishing to distribute (as defined in this policy) nonschool-sponsored material must first submit for approval a copy of the material to the campus director or designee at least 48 hours in advance of desired distribution time, together with the following information:
 1. Name and contact information (phone number/email address) of the person submitting the request
 2. Date(s) and time(s) of day intended for distribution.
 3. Location where the person desires to distribute the material.

4. If material is intended for students, the grade(s) of students to whom the distribution is intended.
- B. Within one school day, the campus director or designee will review the request and render a decision. If permission to distribute the material is denied or limited, the person submitting the request should be informed via email of the reasons for the denial or limitation.
- C. If the person submitting the request does not receive a response within one school day, the person shall contact the office to verify that the lack of response was not due to an inability to locate the person. A lack of response does not constitute permission to distribute the materials.
- D. If the person is dissatisfied with the decision of the campus director or designee, the person may submit a written request for appeal to the superintendent. If the person does not receive a response within three (3) school days (not counting Saturdays, Sundays, and holidays) of submitting the appeal, the person shall contact the Superintendent's Office to verify that the lack of response is not due to an inability to locate the person.
- E. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the MSA administration, the MSA board, or the individual reviewing the material submitted.

VII. DISCIPLINARY ACTION

- A. Distribution by any student of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place, and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with MSA Policy #506 – Student Discipline.
- B. Distribution by any employee of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place, and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, MSA policies and procedures, and/or governing statutes.
- C. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called.

VIII. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES

This policy will be listed in the Parent/Student Handbook and posted on the MSA website.

IX. IMPLEMENTATION

MSA administration may develop any additional guidelines and procedures necessary to implement this policy. Those procedures will also be posted on the MSA website.

Legal References:

U. S. Const., amend. I

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

Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)

Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)

Roark v. South Iron R-1 School Dist., 573 F.3d 556 (8th Cir. 2009)

Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)

MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

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| Policy #: 211 |
| Title: CRIMINAL OR CIVIL ACTION AGAINST MINNESOTA STATE ACADEMIES; MSA BOARD MEMBER, EMPLOYEE, OR STUDENT |
| Date of Initial Approval: NEW |
| Revision/Re-authorization Dates: |
| Reviewers: MSA Superintendent; MSA Human Resources Office; MSA Instructional Leadership Team; MSA Board |

I. PURPOSE

The purpose of this policy is to provide guidance as to the Minnesota State Academies (MSA)'s position, rights, and responsibilities when a civil or criminal action is pending against MSA, MSA board member, MSA employee, or MSA student.

II. GENERAL STATEMENT OF POLICY

- A. MSA recognizes that, when civil or criminal actions are pending against a MSA board member, employee, or student, MSA may be requested or required to take action.
- B. In responding to such requests and/or requirements, MSA will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for students and employees and is conducive to learning.
- C. MSA acknowledges its statutory obligations with respect to providing assistance to board members and teachers who are sued in connection with performance of MSA duties. Collective bargaining agreements and MSA policies may also apply.

III. CIVIL ACTIONS

A. Pursuant to Minn. Stat. § 3.76, the state shall defend, save harmless, and indemnify any MSA board member or employee against expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the board member or employee in connection with any tort, civil, or equitable claim or demand, or expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the board member or employee in connection with any claim or demand arising out of an alleged act or omission occurring during the period of board membership or employment if the board member or employee provides complete disclosure and cooperation in the defense of the claim or demand and if the board member or employee was acting within the scope of employment.

B. Data Practices

Educational data and personnel data maintained by MSA may be sought as evidence in a civil proceeding. MSA will release the data only pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, they are to inform the campus director or department supervisor, who shall immediately inform the superintendent or designee and the Attorney General's Office. No MSA board member or employee may release data without consultation in

advance with the MSA official who is designated as the authority responsible for the collection, use, and dissemination of data. The Attorney General's Office must be consulted before any release of data.

C. Service of Subpoenas

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

D. Leave to Testify

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

IV. CRIMINAL CHARGES OR CONDUCT

A. Employees

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

B. Students

MSA has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. In order to further that interest, MSA will take appropriate action regarding students convicted of crimes that relate to the school environment, following procedures outlined in the Individuals with Disabilities Education Act (IDEA) and the Minnesota Pupil Fair Dismissal Act.

C. Criminal Investigations

1. The policy of MSA is to cooperate with law enforcement officials. MSA will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless there are extenuating circumstances or the matter being investigated is school-related, or as otherwise provided by law. MSA will also remind law enforcement officials of their responsibilities regarding providing access to deaf, deafblind, or blind individuals. MSA shall not be responsible for providing interpreting services, audio description, or any other accessibility services for criminal investigations.
2. If such questioning at school is unavoidable, MSA will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. MSA will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, campus director, or other appropriate school official will be present

during the interview, except as otherwise required by law (such as Minn. Stat. § 260E.22), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

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

V. STATEMENTS WHEN LITIGATION IS PENDING

MSA recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit. Therefore, MSA board members or employees shall make or release statements in that situation only in consultation with legal counsel from the Attorney General's Office.

Legal References:

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

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 408 (Subpoena of a School District Employee)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSA Procedure 6302 (Law Enforcement Interpreting)

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| Policy #: 450 |
| Title: School Volunteers |
| Date of Initial Approval: 11-16-2017 |
| Revision/Re-authorization Dates: |
| Reviewers: MSA Instructional Leadership Team |

I. PURPOSE

The purpose of this policy is to develop a school volunteer program to encourage the use of volunteers in the school to enhance school-based activities and academic learning. This program is also designed to increase communication and positive relationships between parents, school employees, and the community. The Minnesota State Academies (MSA) considers volunteers as a resource that requires advance planning and preparation for effective use. To further enhance our commitment to equity and support for diversity, as much as possible, MSA directors/supervisors and staff members will recruit volunteers from a variety of minority groups to provide our students with positive role models, reflecting the diversity of our student body.

II. GENERAL STATEMENT OF POLICY

This policy applies to all volunteers at MSA and includes both parent and community volunteers.

III. DEFINITIONS

- A. **“Volunteers”** are persons who render services for or on the behalf of the school on the campus or at a school-sponsored/school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.
- B. **“Level 1 Volunteers”** are people who volunteer occasionally and in highly public settings with little or no direct contact with students and who are under constant supervision by MSA employees. Examples of volunteers in this category might include people working at a fundraising or athletic event, selling concessions at events, supporting supervision of field trips, and/or making an occasional classroom visit/presentation. Level 1 volunteers are not required to complete a volunteer application, undergo background checks, or sign a confidentiality agreement.
- C. **“Level 2 Volunteers”** are people who volunteer regularly with student contact under constant supervision of MSA personnel. **[[Examples of volunteers in this category include volunteers who provide after school programming or supporting student organization activities on a regular, recurring basis.]]** Level 2 volunteers must complete a volunteer application and a confidentiality agreement acknowledging FERPA (student confidentiality) requirements.
- D. **“Level 3 Volunteers”** are volunteers who have unsupervised contact with students on or off campus. Level 3 volunteers must (1) complete a volunteer application and a confidentiality agreement acknowledging FERPA (student

confidentiality) requirements, and (2) undergo a criminal background fingerprint check. Volunteers in this category include one-on-one tutoring, overnight field trip chaperones, or a single day field trip with little or no direct supervision by a MSA employee.

- E. **“Student Interns”** are people who are currently enrolled in a post-secondary program for which an authorized internship has been established within an internship agreement with MSA. Student Interns must successfully be accepted into a placement at MSA, completing the following steps: (1) complete an interview with the supervising employee and the **[[Campus]]** Director; (2) complete a confidentiality agreement acknowledging FERPA (student confidentiality) requirements; (3) undergo a criminal background fingerprint check. The **[[Campus]]** Director must approve all student interns in advance. This category applies to students who wish to do observations or practicums at our campuses.

IV. EXPECTATIONS AND LIMITATIONS

- A. All volunteers must be approved in advance by the **[[Campus]]** Director. MSA reserves the right to discontinue or disallow the services of any volunteer at any time at the discretion of the administration.
- B. Volunteers must report to the school building office upon arrival to sign in and must report to the office prior to departure to sign out. A sign-in and sign-out log will be maintained in each school office. Each volunteer will be provided with a volunteer identification card which must be displayed for the duration of the visit. Student Interns will receive card key access and a permanent identification card for the duration of their internship. They will not be required to do daily check-ins or check-outs.
- C. Level 3 volunteers and Student Interns who have criminal records indicating involvement in abuse/neglect or any other criminal convictions, whether disclosed or undisclosed, must be provided an opportunity to meet with the **[[Campus Director and/or the Human Resources Director]]** to respond to the results of the background check. No person who is required to register as a sex offender will be approved to volunteer or intern at MSA. After examination of the information available, the **[[Campus]]** Director will make a case-by-case determination as to whether to allow the individual to volunteer or intern at MSA.
- D. Level 3 volunteers and Student Interns must also complete orientation activities with the **[[Campus]]** Director or a designee prior to starting any volunteer activities.
- E. Volunteers are not allowed to transport students or drive any state vehicles. They may act as chaperones in state/contracted vehicles if accompanied by MSA employees.
- F. Volunteers cannot bring other family members to the volunteer activity. They are also expected to abide by school rules and general expectations for staff members (i.e. dress code, phone use, appropriate conduct).

Appendixes:

1. 450-A: Volunteer Application
2. 450-B: Confidentiality Agreement
3. 450-C: Criminal Background Check

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| Policy #: 528 |
| Title: STUDENT PARENTAL, FAMILY, & MARITAL STATUS NONDISCRIMINATION |
| Date of Initial Approval: NEW |
| Revision/Re-authorization Dates: |
| Reviewers: MSA Superintendent, MSA Instructional Leadership Team |

I. PURPOSE

Students are protected from discrimination based on sex, gender, gender identity, and marital status pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. This includes discrimination based on pregnancy. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the grounds of sex, parental, family, or marital status at the Minnesota State Academies (MSA).

II. GENERAL STATEMENT OF POLICY

- A. MSA 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, gender, or gender identity.
- B. MSA will not discriminate against any student, or exclude any student from its education program or activities, 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. MSA 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. MSA will ensure that any separate and voluntary instructional program is comparable to that offered to non-pregnant students.
- E. It is the responsibility of every MSA employee to comply with this policy.
- F. The MSA Board has designated the Director of Human Resources as MSA's Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- G. 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

POLICY #528
MINNESOTA STATE ACADEMIES

referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of the Director of Human Resources, an inquiry or complaint should be referred to the MSA superintendent.

- H. Any reports of unlawful discrimination under this policy will be handled, investigated, and acted upon in the manner specified in Policy 522 – Student Sex, Gender, Gender Identity Nondiscrimination.

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:

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSA Policy 522 (Student Sex, Gender, Gender Identity Nondiscrimination)

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| Policy #: 744 |
| Title: FUNDRAISING |
| Date of Initial Approval: 05-08-2008 |
| Revision/Re-authorization Dates: 03-07-2013; 05-16-2013; 01-23-2014; 11-17-2016 |
| Reviewers: MSA Instructional Leadership Team |

I. PURPOSE

The purpose of this policy is to establish a process for guiding fundraising efforts by staff, students, parents, alumni, and friends at the Minnesota State Academies (MSA) to avoid overlap in activities and excessive exploitation of local contributors.

II. NEED

Previous fundraising efforts have at times seemed sporadic and haphazard regarding the handling of funds and scheduling. This policy helps avoid such pitfalls in the future.

III. [[APPROVAL PROCESS]]

All fundraising activities that impact MSAB/MSAD, or are located on the MSAB/MSAD campuses, including those by alumni, parents, or other organizations/groups that are not employed by MSA, must be approved through the campus director's office. Fundraising requests must be submitted at least 2 weeks in advance of the event for approval. If the fundraising activity will happen on both campuses, both campus directors must approve the activity.

IV. [[FUNDRAISING DEPOSITS AND ACCOUNTS]]

- A. Monies for all student **[[or school-sponsored]]** fundraising activities must be kept in an activity account through the MSA Business Office.
- B. All adult fundraising activities by groups not employed **[[or controlled]]** by MSA, (i.e. MSAD Alumni Association, Parent-Student-Teacher Association, Hilltopper Athletic Booster Club, and MSAB/MSAD Foundations), will be kept in accounts maintained outside of MSA.
- C. **[[Sponsors/Coaches and other activity leaders must keep clear and detailed records for each fundraising activity to ensure that all funds are accounted for and deposited within 2 working days of the activity. If the activity spans a longer period of time (i.e., sales of items/orders), sponsors/coaches must make deposits within 2 working days of any receipts of funds.]]**

V. CRITERIA [[FOR APPROVED ACTIVITIES]]

- A. **[[Extracurricular Activity (ECA) Sponsors, Coaches, and other activity leaders are responsible for teaching and supporting student groups in submission of request forms to the campus director for approval. Sponsors are expected to guide students in completion of the forms.]]**

- B. Sales by staff or students for private profit or to support non-MSA groups will not be permitted on campus for sales to students (i.e. Avon, soccer team candy fundraising, and so forth). Staff members are allowed to sell to other staff members.
- C. Fundraising activities must follow the guidelines outlined in MSA Policy #533 (Wellness - Nutrition, and Physical Activity). To support student's health and school nutrition-education efforts, fundraising activities that involve food items bought and consumed primarily by students will use only foods that meet nutrition and portion size standards for foods and beverages sold individually. Non-food fundraising activities are strongly encouraged. **[[Even if the food items are sold primarily to staff members, it is strongly encouraged to avoid those types of food-related on-campus fundraising activities.]]**
- D. **[[It is strongly encouraged that fundraising activities be designed to include more than just MSA staff and students. (i.e., sales to family members and neighbors in students' home communities; inviting community members to on-campus events, etc.)]]**
- E. Sales will not be permitted for items which explicitly or implicitly advertise alcohol, tobacco products, or any other illegal substance; and/or use words or pictures which refer to sexual activity, profanity, violence, or other undesirable actions.
- F. Fundraising activities will not be approved if they include sales of pull tabs or lottery tickets. Drawings for prizes of money or gifts are allowed if the ticket is clearly identified as a donation to MSAD or MSAB and meets legal gambling requirements. If a raffle activity is approved, the following applies:
 - 1) If the value of the prize is less than \$750.00, the group must apply for an "Exclusion to Licensing" permit which is free of charge from the Gaming Commission.
 - 2) If the value of the prize is greater than \$750.00, the group must apply for an "Exemption to Licensing" permit at a cost of \$25.00 from the Gaming Commission.
 - 3) If the activity is based on chance, a permit must be obtained. If the activity is based on skill, no permit is necessary.
- G. No sales will be allowed for religious cards or artifacts. The Attorney General has clarified the term "Christmas" as an entity in and of itself, observed as a part of American culture and, therefore, does not necessarily denote religious practice.
- H. Profits from sales must be clearly stated to be used for student or school benefit. The nature of Boy Scouts of America and Girl Scouts of America assumes these organizations and their fundraisers are for the benefit of the

students who participate, and, therefore, is exempt from restrictions provided in 5B.

- I. Fundraising activities will be approved unless another school group has already requested permission for a similar activity to take place at a similar time or if it does not meet these guidelines. **[[Campus directors may limit the number of fundraising activities at one time and/or within one school year. Campus directors may also require modifications to fundraising activity requests prior to approval.]]**