



Minnesota State Academies Board

Thursday, February 4, 2021 at 2:00 PM

MSAB Site Council

Electronic Means

615 Olof Hanson Drive

Faribault, MN 55021

Join Zoom Meeting

<https://us02web.zoom.us/j/84068346436?pwd=eXNWSkpMZFhTejVPUUNoR1FubC9xQT09>

Meeting ID: 840 6834 6436

Passcode: 848b75

Dial by your location +1 312 626 6799 US (Chicago)

1. Welcome and Roll Call
2. Approval of Previous Meeting Minutes 3
3. Reports
 - A. Superintendent's Report
 1. Strategic Planning
 2. Return to on-campus learning
 - B. MSAB Director
 - C. MSA Director of Communications
 - D. MSA Board Representative From MSAB Site Council
 - E. Student Body Government
 - F. Wellness Committee
 - G. Site Council Chair
4. Old Business
5. New Business
 - A. Policy #211 Criminal or Civil Action 6
 - B. Policy #450 Volunteer Policy 9
 - C. Policy #744 MSA Fundraising 11
6. Committee Work
 - A. History Committee Report
7. Announcements
 - A. Members will tell a little about themselves and the organization they are representing on the MSAB Site Council.
8. Adjournment

INDIVIDUALS WHO REQUIRE ACCOMMODATIONS
SHOULD CONTACT LOLA BRAND
EMAIL: lola.brand@msa.state.mn.us
PHONE: (507) 384-6602 / VP: (507) 412-5109

Minutes of MSAB Site Council

The meeting of the Minnesota State Academy for the Blind Site Council was held on Thursday, January 7, 2021, beginning at 2:00 p.m. via Zoom.

Members Present: Vice Chair David Tanner, Superintendent Terry Wilding, Director John Davis, Sheila Koenig, Jessica McBurnett, Rian Copeland, Jeffrey Peterson, Crystal Bauer, Ken Trebelhorn, Michele Baldeshwiler, Abby Winters, Scott Berglund, Tori Andres, Jennifer Pelletier.

Co-Officio Member: Special Ed Director Brittany Thomforde.

Members Absent: Communications Director Kim Barron.

1. Welcome and Roll Call

2. Approval of Previous Meeting Minutes

Motion made by Sheila Koenig, seconded by Rian Copeland to approve the December 3, 2020, MSAB Site Council meeting minutes. Motioned was carried with all in favor.

3. Reports

A. Superintendent's Report

- Distance learning – looking for feedback on how the transition went and how we can improve if we were to have to transition again in the future.
- Ionization machines for the HVC system have been installed. This will help keep the air clean and purified in the buildings.
- We are pleased to announce our new Director of Food Services, Kathy Hamlin. Kathy will start working at MSA on February 1. We are starting to interview for the Finance Service Director.
- The MSA I-35 sign is up. Hoping to bring more awareness.
- School Calendar – two drafts have been developed. The first draft, school would start on August 30 and finish after Memorial Day, which is very similar to the Faribault Public School. The second draft, school would start a week earlier in August and finish before Memorial Day weekend.
- Students returning to campus. Announcement will be sent out this afternoon with more information. We will do a phase in process, every two weeks certain groups will be returning to campus until all students return. Safety requirements have changed, masks, along with shields, will now be required. Some staff will have the opportunity to get the vaccine, more information to come.

B. MSAB Director

- Our first semester is wrapping up next week.
- Terry and John will be attending the ACB conference on January 23.
- Our state wide testing will be starting in late March. We are in the process of getting students sign up with the correct accommodations.
- A small group of students will be returning to campus on January 19.

C. Director of Communication

No report given.

D. MSA Board Representative from MSAB Site Council

- The pledge of Allegiance is either going to be signed or sung.
- Students from MSAD talked about their participation in the Academic Bowl.
- We have an MSAB student, Kadence Regenscheid, who has recently published a book called "My Life with Blindness" by Mari Schuh, published by Amicus Publishing (www.amicuspublishing.us)

E. Student Body Government

No report given.

F. Wellness Committee

- Working on Covid related issues. New Food Service Director, Kathy Hamlin, will be a co-chair, along with our Nursing Director, Kim Viskocil. We are continuing with Wellness Wednesday tips, which can be found in the announcements and on Facebook.

G. Site Council Chair

- Discussed site council agenda and minutes being more accessible.
- Looking at developing a homecoming committee. Michele and Jenny, along with student council, will come up with ideas. Discussion will continue at our next month's meeting.

4. Old Business

5. New Business

6. Committee Work

History Committee - some of our staff have been redeployed to work in the museum. Making great progress.

7. Announcements

- Annual ACB will be held this month. David Tanner will send out an email with more information about the different activities and times.

8. Adjourn

- A motion by Jeffrey Peterson, seconded by Crystal Bauer to adjourn the MSAB Site Council meeting. The motion was carried with all in favor.
- The MSAB Site Council will meet on February 4, 2021 at 2:00 pm.

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)

Policy #: 450
Title: School Volunteer Policy
Date of Initial Approval: 11-16-2017
Revision/Re-authorization Dates:
Reviewers: MSAB Director; MSAD Director; MSA Special Education Director

I. PURPOSE

The purpose of this policy is to develop a school volunteer program to encourage the use of volunteers in the school and 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 considers volunteers as a resource that requires advance planning and preparation for effective use. In order to further enhance our commitment to equity and support for diversity, as much as possible, MSA directors 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 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 and under constant supervision of MSA personnel. 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 Director; (2) complete a confidentiality agreement acknowledging FERPA (student confidentiality) requirements; (3) undergo a criminal background fingerprint check. The 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 Director. The Minnesota State Academies reserve 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 2 volunteers, 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 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 the Minnesota State Academies. After examination of the information available, the Director will make a case-by-case determination as to whether to allow the individual to volunteer or intern at MSA.
- D. Level 2 volunteers, Level 3 volunteers, and Student Interns must also complete orientation activities with the 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).

Appendices:

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

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Policy #: 744

Title: MINNESOTA STATE ACADEMIES 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 Accounting Director and Board Policy Committee

I. PURPOSE

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

II. NEED

Previous fundraising efforts have at times seemed sporadic and haphazard with regard to the handling of funds and scheduling. The developing of a standard procedure helps avoid such pitfalls in the future.

III. APPROVAL

All fundraising activities that impact MSAB/MSAD or are located on the MSAB/MSAD campuses, including those by alumni, parent, or other organizations/groups that are not employed by MSA, must be approved through the Director's office of each campus after completing and submitting an official Fundraising Request Form. (See Appendix 744-A) Fundraising request forms must be submitted at least 2 weeks in advance of the event for approval. If the fundraising activity will happen on both campuses, both directors must approve the activity.

IV. MONETARY CONSIDERATION

- A. Monies for all student fundraising activities must be kept in an activity account through the MSA Business Office.
- B. All adult fundraising activities by groups not employed by the Academies, i.e. MSADAA, PTSA, HABC, and MSAB Foundation, will be kept in accounts maintained outside of MSA.

V. CRITERIA

- A. Extra Curricular Activity (ECA) Sponsors, i.e. Junior or Senior Class, will be referred to this policy when embarking on a fundraising activity. Student groups are required to submit a request form to the Director's office for approval of an activity, following the procedure outlined above.
- 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 the MSA Wellness Policy #533. To support student's health and school nutrition

education efforts, fundraising activities that involve food items bought and

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POLICY #744

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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.

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

Appendixes:

Appendix 744 A – Fundraising Request Form

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