



Minnesota State Academies Board

Wednesday, February 3, 2021 at 2:00 PM
MSAD Site Council Meeting
Electronic Means
615 Olof Hanson Drive
Faribault, MN 55021

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 1. Strategic Planning Review
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 - C. MSAD Director
 - D. Dorm Director Report
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 - G. MSA Board Representative From MSAD Site Council
 - H. Student Body Government
 - I. Wellness Committee
 - J. Site Council Chair
6. Committee Work
 - A. Public Relations
 - B. E-Learning
7. Announcements
8. Adjournment

INDIVIDUALS WHO REQUIRE ACCOMMODATIONS
SHOULD CONTACT LOLA BRAND
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MSAD SITE COUNCIL – Draft Minutes

Location: Zoom Meeting

Date: January 6, 2021

Member Attendance

- Charissa Johnson (Parent) - present
- Dawn Hill (Parent) - internet issues
- Benny Dow (Student) - present
- Dalina Schwartz (Student) - internet issues
- Lance Gonzalez (Teacher) - present
- Laura SkyQuest (Teacher) - present
- Mike Adams (Residential) - present
- Zach Schaefer (SEPA) - present
- Heather Breitbach (Support Services) – present
- Kim Viskocil (Shared Services) - present
- Jennifer Smith-Hastings (Alumni) - internet issues
- Jay Marking (Deaf Community) - present
- (Deaf Community) - vacant
- Riss Leitzke (Deaf Blind Community) - present

Ex Officio Members

- Mary Cashman-Bakken (MDE) - present
- Terry Wilding (Superintendent) - present
- Anne Grace Donatucci (MSAD Director) - present
- Ronda Jo Donatucci (MSAD Dorm Director) - present
- Brittany Thomforde (MSA Director of Student Support Services) – present

1. Welcome and Roll Call - The meeting was called to order at 2:05 p.m. Five new members joined the Site Council. Introductions were made.

2. Approval of November and December Meeting Minutes - Mike moved to approve the minutes. Zach seconded.

3. Old Business - None

4. New Business - We will have Open Meeting Law training for all members soon.

5. Reports

- **Policy and Procedure Review** - The following policies were discussed. Feedback was provided.
 - Policy 409 - Employee Publications, Instructional Materials, Inventions, and Creations. The purpose of this policy is to identify and reserve the proprietary rights of 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.

- Policy 505 - Distribution of Non School-Sponsored Materials on School Premises by Students and Employees. 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.
- Policy 528 - Student Parental, Family, and Marital Status Nondiscrimination. 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 MSA.
- Policy 450 - School Volunteers (feedback for pending revisions). 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.
- Policy 451 - Social Media (feedback for pending revisions). This policy establishes MSA's position on the utility and management of social media and provides guidance on the management, administration, and oversight.
- **Superintendent**
 - Transitions between distance learning and in-person learning - Governor Walz has announced a 'phase in' process of students returning to campus for in-person learning, especially elementary, beginning January 18th. New bi-weekly Covid testing will be provided. Both face shields and masks will be required. ILT will meet tomorrow to make decisions, but Terry asked for feedback about how previous transitions have gone and ideas on what can be improved. Discussion was held and feedback provided.
 - Update on the GPS Ionization devices on our HVAC system - All student buildings now have this. It is not foolproof, but it helps reduce viruses and bacteria in the air.
 - Update regarding Mike Hopwood and Katy Roth - Our Business and Finance Director, Mike Hopwood, has retired and interviews for his replacement are being conducted. Our Food Service Director, Katy Roth, resigned in November and her replacement, Kathy Hamlin, will begin on February 1st. SEPA Aaron Waheed has left us; his position has not yet been filled. SLP Amanda Bleed has returned to work in our speech department. Our hiring freeze remains in effect.
 - Site Council member on the steering committee for our Strategic Plan review - Lance will represent the Site Council on this committee.
 - 2021 MSA School Calendar Drafts - The two drafts are very similar with the difference being the beginning and end dates. Feedback was provided.
- **MSAD Director**
 - Staff and students are mourning the loss of fourth grader, Vanesa Ortiz. A GoFundMe has been set up and posted on our MSAD Facebook page.
 - The Team Leader Retreat was held yesterday. Plans were discussed for the second semester which starts on January 19th. Covid may impact our spring events, so discussion was held on how to safely honor our traditions and accomplishments. Information will be shared as decisions are made.
 - For professional development, teachers are continuing with anti-racism training.
- **MSAD Dorm Director**
 - After school one-on-one support is being offered for students.
 - Dorm staff are working on redeployment projects, but are looking forward to having students back on campus.
 - Activities coordinator, Jeremy Bowen, is working with Mary Cashman-Bakken to set up and host monthly statewide DHH virtual teen nights.
 - MSSD Student Life Director, Deb Skjeveland, is working on organizing competitions among deaf schools.
- **MSAD Athletic Director** - None

- **MSA Director of Communications** - Kim is continuing work on our website and app.
- **MSA Board Representative from MSAD Site Council**
 - Five new Site Council members were approved at the last Board meeting.
 - Some policies were reviewed and reauthorized.
 - MSAD Trivia Team members, Benny and Dalina, shared their experiences.
 - The next Board meeting is January 20th.
- **Student Body Government**
 - Laura is the new SBG sponsor.
 - New officers were elected.
 - A Spirit Week was hosted just prior to the winter break.
- **Wellness Committee**
 - Covid has taken priority at this time, but for now Wellness Wednesdays will continue.
 - Kathy Hamlin will be joining this committee.
- **MSAD Site Council Chair**
 - With the addition of five new members, please be mindful of wearing a solid colored shirt with a dark background. Also, allow time between turns.
 - Everyone is encouraged to join one of our committees.
 - Send agenda items prior to meetings, if you have any.
 - Communicate and share information with the groups that you represent.

6. Committee Work

- **Public Relations**
- **E-Learning**

7. Announcements

- The Minnesota State Academies for the Deaf and the Blind now have signs on I-35.
- Please remember to wear a solid colored shirt with a dark background for all future meetings.

8. Adjournment - The meeting was adjourned at 3:49 p.m.

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 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

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.)]]** **[[Additional item for consideration – prohibiting students from soliciting sales/donations from MSA Staff – they can advertise but staff must “opt-in” to participate in fundraising activities]]**
- 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.]]**