



Minnesota State Academies Board

Monday, February 8, 2021 at 2:00 PM

Policy Committee Meeting

Electronic Means

615 Olof Hanson Drive

Faribault, MN 55021

Link to Zoom Mtg

*Meeting ID: 823 3346 2232, Passcode: MSA*PC*

*One tap mobile +13126266799,,82333462232#,,,,*598751# US (Chicago)*

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|---|----|
| 1. Call to Order | |
| 2. Meeting Minutes Review | 2 |
| 3. Policies to Review from MSBA | 3 |
| 4. Policies to Review for a Second Reading | 9 |
| 5. Policies to Review Prior to a First Reading | 20 |
| 6. Policies to Review Prior to Re-Authorization | 29 |
| 7. 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 Tuesday, January 12, 2021, beginning at 2:00pm via Zoom Meeting.

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

1. Call to Order

2:05pm

2. Review Meeting Minutes

November Meeting Minutes were approved.

3. Policies to Review from MSBA

3.A. 709 – Student Transportation Safety Policy

Combine section 5 C & D paragraphs

3.B. 710 – Extracurricular Transportation Policy

Remove section V “Fees” paragraph

Decision was made to incorporate these two policies into one along with the Type III drivers procedure. Terry will make the changes and bring it back to the committee for review. Marty requested that the Board receive an annual report with transportation/safety incidents, and this will be added to the policy

4. Policies to Review for a Second Reading

4.A. 409 ready to move forward with board approval

4.B. 505 one typo on the first line to fix then ready to move forward with board approval

5. Policies to Review Prior to a First Reading All are approved to move forward.

5.A. 211 – Criminal or Civil Action Against MN State Academies; MSA Board Member, Employee, or Student Policy

5.B. 450 – School Volunteers Policy

5.C. 528 – Student Parental, Family and Marital Status Nondiscrimination Policy

6. Adjourn - 2:33p

Adopted: _____

MSBA/MASA Model Policy 903

Orig. 1995

Revised: _____

Rev. 2017

903 VISITORS TO SCHOOL DISTRICT BUILDINGS AND SITES

I. PURPOSE

The purpose of this policy is to inform the school community and the general public of the position of the school board on visitors to school buildings and other school property.

II. GENERAL STATEMENT OF POLICY

- A. The school board encourages interest on the part of parents and community members in school programs and student activities. The school board welcomes visits to school buildings and school property by parents and community members provided the visits are consistent with the health, education and safety of students and employees and are conducted within the procedures and requirements established by the school district.
- B. The school board reaffirms its position on the importance of maintaining a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

III. POST-SECONDARY ENROLLMENT OPTIONS STUDENTS

- A. A student enrolled in a post-secondary enrollment options course may remain at the school site during regular school hours in accordance with established procedures.
- B. A student enrolled in a post-secondary enrollment options course may be provided with reasonable access, during regular school hours, to a computer and other technology resources that the student needs to complete coursework for a post-secondary enrollment course in accordance with established procedures.

IV. RESPONSIBILITY

- A. The school district administration shall present recommended visitor and post-secondary enrollment options student procedures and requirements to the school board for review and approval. The procedures should reflect input from employees, students and advisory groups, and shall be communicated to the school community and the general public. Upon approval by the school board, such procedures and requirements shall be an addendum to this policy.
- B. The superintendent shall be responsible for providing coordination that may be needed throughout the process and providing for periodic school board review and approval of the procedures.

V. VISITOR LIMITATIONS

- A. An individual, post-secondary enrollment options student, or group may be denied permission to visit a school or school property or such permission may be revoked if the visitor(s) does not comply with the school district procedures and regulations or if the visit is not in the best interest of students, employees or the school district.
- B. Visitors, including post-secondary enrollment options students, are authorized to park

vehicles on school property at times and in locations specified in the approved visitor procedures and requirements which are an addendum to this policy or as otherwise specifically authorized by school officials. When unauthorized vehicles of visitors are parked on school property, school officials may:

1. move the vehicle or require the driver or other person in charge of the vehicle to move it off school district property; or
 2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of school property.
- C. An individual, post-secondary enrollment options student, or group who enters school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty. Such persons may be detained by the school principal or a person designated by the school principal in a reasonable manner for a reasonable period of time pending the arrival of a police officer.

Legal References: Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Program)
Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)
Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)

Cross References:

Adopted: _____

MSBA/MASA Model Policy 904

Orig. 1995

Revised: _____

Rev. 2002

904 DISTRIBUTION OF MATERIALS ON SCHOOL DISTRICT PROPERTY BY NONSCHOOL PERSONS

I. PURPOSE

The purpose of this policy is to provide for distribution of materials appropriate to the school setting by nonstaff and nonstudents on school district property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district intends to provide a method for nonschool persons and organizations to distribute materials appropriate to the school setting within the limitations and provisions of this policy.
- B. To provide for orderly and nondisruptive distribution of materials, the school board adopts the following regulations and procedures.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of materials by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying materials, or placing materials in internal staff or student mailboxes.
- B. "Materials" includes all materials and objects intended by nonschool persons or nonschool organizations for distribution. Examples of nonschool-sponsored materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, employees or others, and tangible objects.
- C. "Nonschool person" means any person who is not currently enrolled as a student in or employed by the school district.
- D. "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, and lewd exhibition of the genitals; and
 - 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

- E. "Minor" means any person under the age of eighteen (18).
- F. "Material and substantial disruption" of a normal school activity means:
 - 1. Where the normal school activity is an educational program of the school district 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.

- G. "School activities" means any activity sponsored by the school 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, other theatrical productions, and in-school lunch periods.
- H. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower him or her in the esteem of the community.

IV. GUIDELINES

- A. Nonschool persons and organizations may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, materials and objects which are appropriate to the school setting.
- B. Requests for distribution of materials will be reviewed by the administration on a case-by-case basis. However, distribution of the following materials is always prohibited. Material is prohibited that:
 - 1. is obscene to minors;
 - 2. is libelous;
 - 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 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, religion, 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. Permission for nonschool persons to distribute materials on school district property is a privilege and not a right. In making decisions regarding permission for such 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

If permission is granted pursuant to this policy for the distribution of any materials, 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 nonschool person wishing to distribute materials must first submit for approval a copy of the materials to the administration at least five days in advance of desired distribution time, together with the following information:
1. Name and phone number of the person submitting the request.
 2. Date(s) and time(s) of day of requested distribution.
 3. If material is intended for students, the grade(s) of students to whom the distribution is intended.
 4. The proposed method of distribution.
- B. The administration will review the request and render a decision. The administration will assign a location and method of distribution and will inform the persons submitting the request whether nonschool persons may be present to distribute the materials. In

the event that permission to distribute the materials is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.

- C. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.
- D. In the event that permission to distribute materials is denied, the nonschool person or organization may request reconsideration of the decision by the superintendent. The request for reconsideration must be in writing and must set forth the reasons why distribution is desirable and in the interest of the school community.

VII. VIOLATION OF POLICY

Any party violating this policy or distributing materials without permission will be directed to leave the school property immediately and, if necessary, the police will be called.

VIII. IMPLEMENTATION

The school district administration may develop any additional guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

[Note: School districts are encouraged to consider additional guidelines which reflect varied local practices relating to this subject matter including addressing the subject of consistency and uniformity for approving or disapproving practices under this policy.]

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)
Doe v. South Iron R-1 School District, 498 F.3d 878 (8th Cir. 2007)
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
Cornelius v. NAACP Legal Defense and Educational Fund, Inc., 473 U.S. 788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985)
Perry Education Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983)
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 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)

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.
- D. **MSA instructional staff have statutory responsibilities related to implementation of students' Individualized Education Programs. In situations where employees willfully ignore their statutory responsibilities, they may be held personally liable.**

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)
Dyppress 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. Student volunteers from local high school programs who support classroom activities are included in this category.]]** 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 #: 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, based on 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

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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)

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.]]**

Policy #: 752
Title: MSA MUSEUMS COLLECTIONS MANAGEMENT
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Museum Steering Committee

I. PURPOSE

The purpose of this policy is to establish a clear statement of the purpose and responsibilities of the Minnesota State Academies (MSA) Museums (one for each academy).

II. GENERAL STATEMENT OF THE MUSEUMS' MISSION.

The Minnesota State Academies believes that historical artifacts, stories, and research information that is compiled in our museums serve a vital role in supporting the mission of the academies. In support of ensuring access to historical information about our academies, the mission of our museums is to:

1. Collect and preserve historical materials, including artifacts, documents, books, manuscripts, paintings, photos, video and audio recordings, DVDs, CDs, digital media, and materials pertaining to MSA and its students and staff.
2. Interpret these materials and make them accessible for the education, programming, outreach, and enjoyment of the MSA students, staff, and general public through exhibitions and programs.
3. Provide for the dissemination of information pertaining to deaf education, blind/visually impaired education and local historical topics directly impacting the Minnesota State Academies
4. Maintain and operate the MSAB/MSAD museums and their collections as well as supervise archived collections
5. Encourage inquiry into areas of local and regional historical significance and the history of education for deaf/hard-of-hearing; deafblind; and blind/visually impaired students
6. Emphasize materials related to the schools' rich history

III. MUSEUM STEERING COMMITTEE

The museums will be overseen by the museum steering committee composed of at least 5 individuals appointed by the superintendent. The committee shall have at least one employee representative from each campus, one alumni member designated by each campus' alumni association, and one employee representative from Student Support Services/Shared Services. The steering committee will elect a chair annually. The superintendent shall be an ex-officio member of this committee and tasked with the responsibility of sharing information with the MSA Board.

The steering committee shall meet at least quarterly. At the end of each school year, the committee shall meet to elect a chair, compile an annual report for the board, and develop goals for the following school year. The steering committee is also responsible for development of procedures to ensure the smooth operation of the museums, including acquisitions, archives, digitalization of our resources, and so forth. The steering committee is responsible for sharing information, resources, and support across campuses for both museums.

The Museum Steering Committee may establish sub-committees for each campus' museum to complete tasks and goals specific to that campus' museum. Involvement of staff members, alumni, and/or students is strongly encouraged.

IV. COLLECTIONS MANAGEMENT

The Museums' collections are organized and managed as follows:

Permanent Collection

The Museums' Permanent Collection is composed of material relating to the social, cultural, and educational history of the Minnesota State Academies. The Permanent Collection consists of three-dimensional objects/artifacts and digital collections (whenever available) of a permanent, on-going value to Minnesota State Academies, Deaf and B/VI education history and those doing research on the same. Historical materials may be utilized for teaching aids and for programming, outreach, and special interpretive events upon approval of the museum steering committee. Whenever possible, reproductions or other substitutes should be used rather than original artifacts.

Digital Collection

The Digital Collection is composed of digital copies of pictures, audio/visual material, brochures, pamphlets, research papers, and various miscellaneous materials that, whenever made available, will be accessible to individuals interested in accessing our materials.

Collections Scope

MSA acknowledges it cannot and should not attempt to collect everything, and will actively collect using the following guidelines and considerations:

Collecting Priorities

MSA will collect items related to the following specific themes and topics:

1. The interpretation of everyday life, from the earliest times to the present, at the Minnesota State Academies and its provision of Deaf Education and Blind/Visually Impaired Education. These might include, but are not limited to: household objects, furniture, clothing, tools, written information on individuals, prominent and otherwise.
2. The history on the day-to-day operations of MSA, its educational services, and the lives of students and staff.

Preservation and Conservation Considerations

MSA holds its collections as a public trust and as such has an obligation to maintain the artifacts in its possession according to accepted professional standards. Decisions made by the Museum Steering Committee regarding criteria for collecting/acquiring/accessioning as well as deaccessioning must be made in accordance with the best interest and well-being of the individual artifact. The Museum Steering Committee may designate individuals responsible to complete accessioning and deaccessioning tasks.

The Museum Steering Committee directly manages MSA's collections and is responsible for their day-to-day management, including care, storage, and use. The Museum Steering Committee and other MSA staff, including volunteers, will employ the established accepted standards and guidelines regarding collections management.

Acquisitions

Definition: For the purposes of this policy, "acquisition" is hereby defined as the discovery, evaluation, acknowledgement, and receipt of artifacts, as well as securing physical and legal custody of said artifacts.

Mechanism and Criteria

MSA accepts acquisitions to its museum collections through donations, bequests, field collecting, abandonment, or other transactions for which title to the object passes to the museum. MSA-owned artifacts (i.e. Companion/Chronicles Issues, furniture, athletic uniforms, etc.) will follow the same procedures as donated artifacts except for the sections regarding ownership and provenance. Potential acquisitions must meet ALL of the following criteria before being accepted into the MSA's collections after the implementation date of this Collections Management Policy:

- The present owner must have clear title of ownership
- The provenance and history of the artifact(s) must be determined to the extent possible
- The artifact's significance and relevance must be determined
- The artifact(s) must fall within the MSA's collecting scope and objectives
- MSA must be able to provide for the storage, protection, and preservation of the item(s) to ensure the availability for MSA's collecting scope and objectives
- The artifact(s) must be in acceptable physical condition
- All donations will be considered outright and unconditional gifts to be used at the discretion of the MSA
- Artifacts will remain in the MSA's collections as long as their physical integrity, their identity, and their authenticity is intact, and for as long as they remain useful for the purposes of the museum
- All legal, moral, and ethical implications of an acquisition must be considered prior to its acceptance into collections

Donations

All donations accepted will follow the MSA donations procedures (record keeping and acknowledgment of receipt).

All potential donors must hold free and clear title to any materials they wish to donate. Donors pursuing income tax deductions for their donations must obtain an independent authorized appraiser and record of such appraisals will be kept by MSA in accordance with MSA's records retention schedule. MSA museum steering committee members, volunteers and MSA staff members are prohibited from offering appraisals of potential donations.

MSA is under no obligation to accept donations “on the spot.” MSA may hold an object or collection (circumstances permitting) temporarily until a decision is made. Such material in the care of the MSA will be temporarily identified and cared for in the same manner as permanent collections. Donors are encouraged to contact the Museum Steering Committee prior to making any donations to assist in streamlining the process, especially if the donation involves larger artifacts that require transportation/storage.

All material not accepted into the MSA collections will be returned, intact, to the donor unless the donor specifically states that they do not want the items back. The MSA will notify the donor utilizing contact information on the donation form, whereupon the donor will have thirty days to reclaim the materials. Items left after thirty days will be disposed of at MSA’s discretion.

Potential donations will be considered for the MSA’s Permanent Collection or archives first. Material not accepted into the Permanent Collection will then be considered for educational activities related to the museum and/or school history. Items not accepted into our collections or resources may be designated for exchange, loan, or sale to benefit historical collections elsewhere.

Accessions and Deaccessions

Accessions - The formal process of accepting object(s) into the MSA collections is hereby termed “accessioning”. The museum steering committee has primary responsibility for completing and maintaining all necessary paperwork and for the care and storage of all accessions.

Deaccessions - The formal process of removing accessioned materials permanently from MSA’s collections is termed “deaccessioning” and deaccessioning must be done with extreme care and sensitivity and only under certain limited conditions. The Museum Steering Committee shall establish procedures for deaccessions that are clearly stated and accessible to the public. Such action shall be cautious, deliberate, and scrupulous and considered only for an item that meets one or more of the following criteria:

- It is no longer relevant and useful to the stated purposes of MSA
- It is void of inherent exhibition, research, or educational value
- It cannot be properly stored, preserved, or used by MSA
- It no longer retains its physical integrity, identity, or authenticity
- It is unnecessarily duplicated in the collection
- It is non-historical material accessioned in error
- It was accidentally accessioned twice
- It has been lost or stolen and remains lost for over a year
- It presents a threat to the health, safety, or well-being of the MSA staff, volunteers, patrons, or other collections held by the Museum

Loans, Exhibitions, and Relocations

The MSA museums may occasionally determine that it is appropriate to allow lending of objects from its collections and/or the borrowing of objects from other collections for specific purposes. The basic authority to make loans resides with the Museum Steering Committee. All loan requests (with the exception of those for photographs, see below) are to be submitted for committee approval and a designee will be appointed to be responsible for the negotiation and tracking of all loans, and management of all necessary paperwork. Requests by MSA staff or volunteers for incoming or outgoing loans should be made to the committee. The committee will develop procedures to ensure the preservation of all items within loans or exhibitions as listed below.

Incoming Exhibitions

From time to time, as determined by the Museum Steering Committee, MSA may accept traveling exhibits. The committee will work with MSA administrators for all arrangements, negotiations, and contracting for such exhibits.

Outgoing Loans

MSA may allow artifacts and material from its collections to be loaned to other museums, historic sites, or historical agencies in good standing for educational, interpretive, exhibit, or scholarly purposes. Non-museum borrowers (government agencies, schools, corporations, or businesses, etc.) may utilize MSA's collections for educational purposes only. Use of borrowed artifacts for private or decorative purposes is prohibited. MSA will not authorize any loans to individuals including employees, volunteers, committee members, or officers of MSA. Photographs in our archives will not be authorized for loans – only digital copies may be loaned/distributed for use outside of our archives. Those individuals wishing to view stored pieces in the collections may make an appointment through the steering committee.

Only artifacts and material to which MSA holds clear title and for which there are no special restrictions may be considered for loan.

Temporary Loans of Items from Educational or Research Collections

If a member of the staff, a volunteer, or a committee member is making an educational presentation outside of the museum, that person shall sign a temporary loan agreement for materials borrowed from the MSA museums. Any item(s) to be borrowed from the Permanent Collection require prior approval of their use by the Museum Steering Committee and the execution of a temporary loan agreement for the material(s) borrowed. The loan shall be for a period no longer than 72 hours unless otherwise negotiated.

Temporary Relocation of Collections for Preservation, Conservation or Access Reasons

If an object in the collections must be relocated offsite for preservation, conservation, or access (i.e. digitization) purposes, a written and signed agreement must be made between both parties. This agreement must include a description of the object and the length of time the object will be outside of MSA's control.

V. CARE AND USE OF COLLECTIONS

MSA is ethically bound to care for and preserve its collections. MSA is committed to providing proper storage areas in which to house collections, maintaining appropriate environmental controls within its facilities, and administering conservation efforts when necessary. The goal is to retard and/or stabilize the inherent aging and deterioration process of collections, and all accepted professional museum standards will be employed to the best of MSA's ability.

The Museum Steering Committee, MSA staff and volunteers must make every effort to safeguard collections items to ensure their long-term preservation while making them available for the use and enjoyment of the public. To this end, it should be noted that

1. Printed, manuscript, photographic, audio, and moving-image items in MSA collections may be reproduced as provided under the fair-use provision of the United States copyright law. MSA may refuse to permit the copying of a collections item if, in its judgement, such reproduction would violate the copyright law, violate the donor agreement, or pose a threat to the physical integrity of the item.
2. Publication, exhibition, or other use of an item from MSA collections requires written permission from the Museum Steering Committee and this permission is required whether or not MSA is the copyright holder. Permission also may be required from the copyright holder. Publication/exhibition of items from MSA museum collections must be accompanied with a statement crediting the ownership to the MSA museums.
3. Any reproduction of a collections item must be approved by the Museum Steering Committee. Any reproduction or replication of an item must be clearly identified as such.

Records

MSA, to the best of its ability, will establish and maintain proper collections records for all artifacts in its collections according to professional museum standards. These include, but are not limited to, accessions, donors, catalogs, provenance, locations, conservation, loans, and exhibit records. The Museum Steering Committee is responsible for all collections records. Access to collections records is strictly limited to MSA staff and the committee members.

Inventory

Under the direction of the Museum Steering Committee, MSA will initiate an inventory of its collections in the museums and will regularly update this inventory for its collections management purposes, security, verification of missing artifacts, and maintenance. The Museum Steering Committee and authorized volunteers may, as needed, conduct a full-scale inventory to verify the contents of the MSA Museum Collections. A master collections inventory will be placed on a computer database and updated as subsequent inventories are conducted. Back-up copies will be stored in separate locations. It is also recommended that the initial inventory and each periodic update be printed and stored in a secure location. Also, it is recommended that a photographic record of all items be made, with one copy to be kept on file.

Security

MSA will take all necessary precautions to ensure the security of its collections and prevent their loss or damage while on exhibit, during research use, or in storage. MSA will examine the security needs and risks for all objects under consideration for accession and make adjustments or accommodations where possible. Artifact use for exhibit, research, education, or loan is contingent upon a thorough evaluation of its security risks and needs, and the ability of MSA to accommodate those needs.

VI. DIGITAL COLLECTIONS

Definitions

- Born digital materials were originally created in a digital form. These include programs, websites, databases, photographs, videos, audio recordings, records, documents, emails, maps, etc.
- Born analog materials were originally created in a physical or negative form. These include photographs, videos, audio recordings, records, archives, letters, documents, maps, etc.
- Digitized materials are digital copies of analog materials, usually created through scanning or photographing the analog material.
- Migration is the transfer of digital materials from one format to another to prevent obsolescence.

Scope

MSA born digital collections shall include programs, websites, databases, photographs, videos, audio recordings, documents, emails, maps, and other materials that fall within the general scope of collections as listed above. The donor, if not produced at MSA, of the materials must hold the copyright on the born digital materials in question, just as donors of analog materials must have title to them. MSA-produced materials may be transferred to the MSA museums without concerns regarding copyrights.

As a general rule, MSA will not accept digitized copies of analog materials created by external sources (i.e., scanned copies of newspaper articles, copies of photographs taken by individuals outside of MSA) into the Permanent Collection, as copyright remains with the creator of the original analog material. It is preferred that the original analog materials be donated to the museum with the permission of the creator. The Museum Steering Committee may make an exception to this rule if the analog original image is unlikely to be donated to the museum at a later date (i.e., analog materials developed by individuals who are deceased, or materials developed by unknown individuals) with the understanding that copyright does not lie with MSA.

Copyright Acquisition of born digital materials is dependent on the transfer of copyright to MSA. Donors must transfer nonexclusive rights to reproduce, distribute, display, perform, and prepare derivative works of the born digital work. MSA will not accept donations of born digital materials that do not come with a sharing of copyright.

Digitization

Analog materials that have been temporarily entrusted or donated to MSA may be digitized for MSA's use with permission from the creator. These digitized copies will be treated as part of the Digital Collection, with copyright remaining with the creator of the materials.

Parts of the Permanent, Educational, or Research Collections of MSA that have been digitized will be considered part of the same collection as the original material. Copyright of the digitized materials will remain with MSA if it has title and ownership of the source material.

Storage

Born digital portions of the collections will be stored on MSA servers/hard drives with at least one back-up stored off the premises (i.e., Cloud Storage). Newly acquired collections must be moved into those designated storage sites as soon as time permits. A new back-up will be completed on a semi-annual basis.

VII. ETHICAL CONSIDERATIONS REGARDING MSA MUSEUM COLLECTIONS

As stewards of the material history and culture of MSA, MSA has an obligation and responsibility to maintain the highest ethical standards and avoid even the appearance of impropriety. Because of their unique positions with regard to collections, MSA staff, volunteers, and Museum Steering Committee members are especially vulnerable to questions of ethical conduct and/or conflict of interest. Therefore, it is necessary that all of the MSA employees, volunteers, and committee members observe certain restrictions on activities that might compete with or discredit MSA, and it is incumbent upon MSA to inform them of its collecting goals and of the potential for conflict of interest.

The following provisions further list ethical best practices with regards to collections:

1. No MSA staff member, volunteer, or Museum Steering Committee member will engage in appraising objects acquired by the Museum
2. MSA staff members, volunteers and Museum Steering Committee members may not recommend an appraiser to donors
3. MSA staff members, volunteers, and Museum Steering Committee members are prohibited from purchasing objects deaccessioned/divested by the Museum except through public auction or MSA-approved procedures.
4. MSA staff members, volunteers, and Museum Steering Committee members are prohibited from borrowing money or collections items from MSA museums, nor shall they use its personnel, equipment, supplies, good will, or other resources for their personal purposes, other than as allowed to all members of the MSA community.
5. MSA staff members, volunteers, and Museum Steering Committee members are prohibited from using their MSA affiliation to promote their own or any family member's personal collecting or business activities.
6. Consistent with its mission, the MSA museums may consider for acquisition any material that has a documented association with the history of MSA and is in such condition that it can be maintained properly. In its collecting activities, the MSA museums shall strive to be inclusive, respectful, transparent, and in keeping with the best professional practices, especially with culturally sensitive and sacred objects,

documentation, and religious practices of all cultures. The Collections Management Policy shall govern the acquisition, use, loan, conservation, de-accession, and disposal of all collections

7. As steward of MSA's heritage, the MSA museums are committed to making their collections as accessible as possible to all people while ensuring their safekeeping and preservation. In providing access to collections, MSA shall balance the need to respect their continued physical integrity and safety for future use and the current requirements of scholarly, programmatic, or educational uses.
8. Museum Steering Committee members and staff members considering the acquisition of an historically significant item that may be within MSA's collecting goals should bring the intended purchase to the attention of the Museum Steering Committee in a timely manner to determine whether or not the MSA museums would be interested in acquiring the item for their collections. If the MSA museums do not intend to acquire the item, the individual may then proceed with their individual purchase.

Policy #: 102
Title: EQUAL EDUCATIONAL OPPORTUNITY
Date of Initial Approval: 03-31-2011
Revision/Re-authorization Dates: 04/19/2018
Reviewers: MSA Superintendent; MSA Human Resources Office; MSA Instructional Leadership Team

I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students at the Minnesota State Academies.

II. GENERAL STATEMENT OF POLICY

- A. It is the Minnesota State Academies policy to provide equal educational opportunity for all students. The Minnesota State Academies does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, gender/gender identity, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The Minnesota State Academies also provides reasonable accommodations for disabled students.
- B. The Minnesota State Academies prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the Minnesota State Academies' policy on harassment and violence and the procedures for addressing such complaints, refer to the Minnesota State Academies' policy on harassment and violence (Policy #413).
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment, following participation parameters for each event or activity.
- D. It is the responsibility of every Minnesota State Academies employee to comply with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the appropriate Minnesota State Academies official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the Director of each Academy or the Superintendent.

Legal References:

- Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- 20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)
- 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References:

- MSBA/MASA Model Policy 402 (Disability Nondiscrimination)
- MSBA/MASA Model Policy 413 (Harassment and Violence)
- MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
- MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

Policy #: 110
Title: EDUCATIONAL EXCELLENCE AND EQUITY
Date of Initial Approval: 04/19/2018
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Human Resources Office; MSA Instructional Leadership Team

I. PURPOSE

The purpose of this policy is to ensure that educational excellence and educational equity are provided for each student at the Minnesota State Academies (MSA). Each student at MSA deserves a respectful learning environment in which their identity is valued and contributes to successful academic and social development outcomes for all students.

II. GENERAL STATEMENT OF POLICY

The Minnesota State Academies are committed to raising the academic achievement and social development levels for each student by creating a transformational system change to ensure equitable student achievement and positive self-identity development. This policy applies to all areas of education at MSA, including academics/coursework, co-curricular/extra-curricular activities, and/or other rights/privileges of enrollment.

Aligned with MSA Policy #102 (Equal Educational Opportunity), MSA is committed to challenging and remedying the institutional racism and other discriminatory systems that result in predictably lower academic and social development achievement for students from diverse backgrounds and identities. MSA acknowledges that complex societal and historical factors contribute to the inequity within our schools, communities, and nation. Nonetheless, rather than perpetuating the resulting disparities, MSA must work towards addressing and overcoming this inequity, providing all students with the support and opportunities necessary to succeed. This includes educating the community outside of our campuses regarding their responsibilities and duties in regards to accessibility and equity.

Through educational excellence and equity, each student at MSA will be empowered and equipped as a lifelong learner with the necessary tools to achieve their dreams and contribute to their community. MSA will establish and maintain a commitment to educational excellence and equity in its systematic practices, which will support its contribution towards a school community free from discriminatory practices and perspectives. Each student will be supported in their development of a positive self-identity that includes different cultural, gender, and/or societal identities.

III. ADMINISTRATIVE AND STAFF RESPONSIBILITIES

- A. MSA administration and staff members will develop, support, model, and sustain equity-focused and culturally responsive training for staff and students.

- B. MSA administration and staff members will develop practices that create multiple pathways to success in order to meet the needs of our diverse students, and will actively encourage, support, and expect high academic and social development achievement for each student.

- C. MSA administration will monitor policies, programs, and practices to assess educational equity and work to eliminate racial, ethnic, gender, and any other disparities in all MSA programs, including attention to the following principles:
- a. Each student will receive high quality and culturally responsive pedagogy.
 - b. MSA will make every effort to recruit, employ, support, and retain a workforce that reflects the diversity, including racial diversity, of enrolled students, as well as culturally competent administrative, instructional, and support personnel.
 - c. MSA will model equity in all business practices and replace inequitable operational practices with systems that support implementation of this policy. MSA will educate our community partners and model appropriate practices in order to improve accessibility and equity in our students' communities.
 - d. Consistent with state regulations and other MSA policies, materials and assessments will be provided that reflect the diversity of students and staff, and are geared towards the understanding and appreciation of race, culture, gender, gender identity, economic status, language, ethnicity, ability, and other differences that contribute to the unique identity of each student and staff member.
 - e. Each program will seek community input and create a welcoming culture and inclusive environment that reflects the diversity of the school's diverse school populations, their families, and communities. People from all races, ethnic groups, and identities will be invited to examine issues and find adaptive solutions to address the root causes and systems, rather than focusing on one-time situational fixes. Partnerships will be sought out and developed between MSA programs and community members to bring multiple cultural perspectives to this process.
 - f. Consistent with this policy and feedback from community members, procedures will be developed to address specific areas of concern.

Policy #: 419
Title: TOBACCO-FREE ENVIRONMENT
Date of Initial Approval: 11-29-2012
Revision/Re-authorization Dates:11-21-2013; 04-19-2018
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco-free.

II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, employee of the Minnesota State Academies (MSA), or another person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes on the campuses or in the campus buildings of MSA. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that MSA owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, if more than one person is present. This prohibition includes all MSA property and all off-campus events sponsored by MSA.
- B. A violation of this policy also occurs when any student possesses any type of tobacco, tobacco-related device, or electronic cigarette in a public school. The prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or part, for school purposes, during hours of school operations. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The Minnesota State Academies will act to enforce this policy and to discipline or take appropriate action against any student, employee, or person who is found to have violated this policy.
- D. The Minnesota State Academies will not promote or allow promotion of tobacco products or e-cigarettes on school property or at school-sponsored events.

III. DEFINITIONS OF TOBACCO AND TOBACCO-RELATED DEVICES

- A. "Electronic cigarette" means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.

- B. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- C. "Tobacco-related devices" means cigarette papers or pipes/other devices for smoking.
- D. "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an American Indian adult lights tobacco on MSA property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

V. ENFORCEMENT

- A. All individuals on the MSA campuses shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to MSA discipline procedures. Student-Athletes and participants in other extracurricular activities are also subject to discipline procedures outlined in the MSHSL participation contract.
- C. MSA employees who violate this tobacco-free policy shall be subject to MSA discipline procedures.
- D. MSA action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and/or federal law, and MSA policies.
- E. Persons who violate this tobacco-free policy may be referred to the building

administration or other MSA supervisory personnel responsible for the area or program at which the violation occurred.

- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

VI. DISSEMINATION OF POLICY

This policy shall appear in the parent-student handbook.

Legal References:

Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)

Minn. Stat. § 609.685 (Sale of Tobacco to Children)

2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References:

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

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior