

Policy Committee Meeting

Monday, October 11, 2021 4:00 PM

Tate Hall Conference Room, 615 Olof Hanson Drive, Faribault, MN 55021

1. **Call to Order**

2. **Meeting Minutes Review**

3. **Policies to Review from MSBA - None**

4. **Policies to Review for a Second Reading - None**

5. **Policies to Review Before Revision**

A. Policy 423 - Employee-Student Relationships

B. Policy 426 - Nepotism in Employment

C. Policy 442 - Braille and Blind Awareness

D. Policy 443 - Staff ASL Proficiency

E. Policy 524 - Appropriate Use of Electronic
Communication and Technology

6. **Policies to Review Prior to a First Reading**

A. Policy 533 - Wellness Nutrition and Physical
Activity

B. Policy 903 - Visitors to School District
Buildings and Sites

7. **Policies to Review for Reauthorization**

A. Policy 121 - Communication, Language, and
Accessibility

B. Policy 425 - Staff Development

C. Policy 446 - Payroll Leave and Overtime
Requests

8. **Adjourn**

Minutes of Policy Committee Meeting
Minnesota State Academies Board

A Policy Committee Meeting of the Minnesota State Academies Board was held September 13, 2021 beginning at 3:00 pm via Zoom Video Meeting.

Present:

Mary Cashman-Bakken – Board Member, Terry Wilding - Superintendent, Bridget Buckingham - HR Director, Jody Olson - MSAD Assistant Director, and Anne Grace Donatucci – MSA Deaf School Director.

Absent: Marty Duncan – Board Member, Jamers Speier – Board Member

1. Call to Order at 3:10p.m.
2. Meeting Minutes Review - Approved
3. Policies to Review from MSBA
 - 3.A. Review MSBA/MSA Policies Comparison Chart
Terry explained the colors in the chart and how we use this chart to guide our work throughout the year.
4. Policies to Review for a Second Reading - None
5. Policies to Review Before Revision – None
6. Policies to Review Prior to a First Reading – None
7. Policies to Review for Reauthorization
 - A. 202 – MSA Board Officers and Meetings
Terry will check to see if MSBA has an updated version (new legal references) If there is none, then this will go to the next board meeting.
 - B. 209 – MSA Board Code of Conduct
Approved to go to the next board meeting.
 - C. 210 – MSA Board Conflict of Interest
Approved to go to the next board meeting.
 - D. 402 – Disability Non-Discrimination
Approved to go to the next board meeting.

E. 406 - Data Protection for Human Resource Systems
Bridget reported no changes from MMB – this is ready to go to the next board meeting.

F. 418.1 – Alcohol and Other Drug Use by State Employees
Approved to go to the next board meeting.

G. 427 – Workload Limits for Certain Special Education/Special Teachers
Approved to go to the next board meeting.

H. 512 – School Sponsored Student Publications and Activities
Approved to go to the next board meeting.

I. 601 – School District Curriculum and Instruction Goals
Approved to go to the next board meeting.

J. 603 – Curriculum Development
Mary suggested adding how often this is reviewed. This will not go to the board, it will be cleaned up and sent back to the Policy committee for another review.

K. 606 – Textbooks and Instructional Materials
Same suggestions as above for this policy.

L. 607 – Organization of Grade Levels
Mary would like to see clarification for non-graded students. Terry will add more language referencing non-graded classes and return this to the next policy meeting.

M. 608 – Instructional Services – Special Education
Mary would like to see examples of related services and interagency collaboration)Terry will add some examples before sending it to the board for approval

N. 614 – State Mandated Tests
Terry will check with John for any changes and if there are none this one will be brought to the next board meeting.

O. 750 – Mn Resource Library Acquisition and Collection
Approved to go to the next board meeting.

8. Adjourn at 3:43p.m.

Policy #: 423
Title: EMPLOYEE-STUDENT RELATIONSHIPS/FRATERNIZATION
Date of Initial Approval: 08-17-2012
Revision/Re-authorization Dates: 11-29-2012; 10-18-2017
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The Minnesota State Academies (MSA) is committed to an educational environment in which all students are treated with respect and dignity. Every MSA employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct. Employees must set appropriate boundaries with students and conduct themselves in a manner that will maintain a professional relationship with students at all times. This policy is designed to protect both staff and students and to assure the safety and well-being of all MSA students and staff. Decisions regarding this policy are subject to the discretion of the Directors and the Superintendent after considering the listed issues below:

1. The student's best interests
2. The school's best interests
3. The employee's safety and liability
4. The school's liability

II. GENERAL STATEMENT OF POLICY

- A. This policy applies to all MSA employees at all times, whether on or off duty and on or off of the MSA campuses. Employees are defined as the following:
1. Any individual employed by MSA, including student teachers, substitutes, interns, and practicum students
 2. Any employees, agents, and owners/partners of contractors or agencies
 3. Any volunteers
- B. At all times, students will be treated by teachers and other MSA employees with respect, courtesy, and consideration and in a professional manner. Each MSA employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must remain on a teacher-student basis or an employee-student basis. MSA employees must be mindful of personal conduct in situations where students might be present. MSA employees must also be mindful of FERPA expectations for confidentiality and communication with parents, friends, and family members, especially with social media.
- C. Teachers and administrators must be mindful of their inherent positions of authority and influence over students. Similarly, other MSA employees also may hold positions of authority over students and must be mindful of their authority and influence over students.

- D. Employees are prohibited from engaging in any of the following types of conduct, regardless of whether the conduct occurs during or outside of school hours. The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed.
1. Engaging in any romantic, sexual, or intimate relationships between MSA employees and students, without regard to the age of the student, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student had parent permission, and including any activity that gives the perception of such behaviors or relationships.
 2. Fostering, grooming, encouraging, or participating in inappropriate emotionally or socially intimate relationships in which the relationship is outside the boundaries of the reasonable, professional employee-student relationship and in which the relationship could reasonably cause a student to view the employee as more than an employee or any activity that gives the perception of an inappropriate relationship.
 3. Allowing any student/child to visit their home, or visiting a student/child's home, for reasons other than appropriate visits with approval by parents/legal guardians. (Other professional or educational reasons may require specific approval from the MSA Directors and/or the Superintendent)
 4. Initiating or continuing communications with students for reasons unrelated to any appropriate purpose, including oral, signed, or written communication, telephone and videophone calls, electronic communication (such as texting, instant messaging, e-mail, chat rooms, Facebook, or other social networking sites), webcams, or photographs. Electronic and online communications with students should utilize MSA-established e-mail and other classroom resources that are accessible to supervisors and professional in their content and tone. (The only exceptions to this are emergency situations that may have serious safety ramifications)
 5. Permitting any student or child to reside in their home unless they are parents, relatives, or legal guardians. For unique situations that are in the student's best interests, written permission must be obtained from the Superintendent.
 6. Making presentations of personal gifts, clothing, cash, or meals/snacks to students and/or their families unless through school-sponsored donations and approved by the Director and/or Superintendent. Employees should be cautious about participation in student fundraising, ensuring that they do not favor a particular student when purchasing items during fundraising activities.
 7. Allowing any student to travel in their personal vehicle for school-related or non-school-related matters unless specific approval is given by the Directors or Superintendent to provide for the safety and care of the student.

8. Sharing excessive personal information and or beliefs on non-school related issues (e.g. marriage, dating, sex, mental health, suicide, religion, etc.) Those issues are best handled by professional mental health providers (school counselors, school social workers, personal counselors, psychiatrists, psychologists, and so forth). Staff members may provide support for students in gathering information and resources.
 9. Providing alcohol (regardless of age) or drugs – either prescription or illegal – (except for those provided in accordance with instructions/procedures from the MSA nursing department) to students, including failing to take reasonable steps to prevent such access from occurring. This includes partaking in excessive alcohol consumption and/or illegal drug use when students are present.
 10. Accompanying a student to a non-school-related activity without parent, director, and superintendent approval.
 11. Committing or attempting to induce students to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the Minnesota State Academies.
 12. Participating in excessive informal and social involvement with individual students – this is unprofessional and incompatible with appropriate employee-student relationships.
- E. MSA employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships. Employees need to be mindful of general standards and boundaries for teaching and working with students. Detailed guidelines have been established in Appendix 423-B to support employees in their work with students. MSA employees who are employed outside of the academies in positions that support students (i.e. Personal Care Attendants, Daycare Providers, or Respite Care Providers) must communicate this with their supervisor so that they may be assigned to different students during their work shifts at MSA. Whenever possible, MSA administrators will establish a rotation of assignments to manage the length of time a staff member is assigned to an individual student.
- [Note: Such safeguards include the following: avoiding or minimizing physical contact; keeping doors open when talking or meeting with students one-on-one; and/or making sure that such meetings with a student take place in rooms with windows and/or others nearby.]***
- F. MSA employees or board members who have children or relatives attending classes at MSA must develop a plan (refer to Procedure #3100) to address how the employee/board member will interact with the child, the child's teacher(s) and support staff, and supervisors. (Appendix 423-A) Employees who have children or relatives that are students at MSA must be mindful about maintaining professional relationships with their children or relatives while at work and with their co-workers and supervisors, including consideration of the appearance of favoritism.
- G. MSA employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

- A. All MSA employees have a duty to report suspected violations of this policy. Any person with knowledge or suspicion of an improper relationship between employees and a student must immediately report the conduct to their supervisor, the human resources department, or the school social worker. Employees who make a good faith effort to report any suspected fraternization violation, or who cooperate with inquiries or investigations related to the accusation shall be protected from retaliation.

- B. Complaints and/or concerns regarding alleged violations of this policy shall be handled by the MSA Human Resources Department. Results of the investigation will be shared with the employee's supervisor for follow-up action. Suspected criminal activity will be referred to the local police department for investigation. Suspected child abuse must be reported under the directions outlined in MSA Policy #414.

- C. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

IV. MINNESOTA STATE ACADEMIES ACTION

Upon receipt of a report, the Minnesota State Academies will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the appropriate professional licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. MSA actions in response to violations of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and MSA policies.

V. SCOPE OF LIABILITY

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the Minnesota State Academies are not required to defend and indemnify the employee for damages in Minnesota State Academies-related litigation.

VI. EXCEPTION

If any employee feels there should be an exception to this policy, written permission must be obtained from the Superintendent.

Legal References:

Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)
Minn. Stat. § 122A.20, Subd 2 (Mandatory Reporting to Minnesota Board of Teaching)
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)
Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)
Minn. Rules Part 8700.7500 (Code of Ethics for Minnesota Teachers)

Cross References:

MSBA/MASA Policy 211 (Criminal or Civil Action against School District, School Board Member, Employee, or Student)
MSBA/MASA Policy 306 (Administrator Code of Ethics)
MSBA/MASA Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Policy 413 (Harassment and Violence)
MSBA/MASA Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Policy 421 (Gifts to Employees)

Appendixes:

Appendix 423 A – Plan to address Employee-Student Familial Relationship(s)
Appendix 423 B – General Standards and Boundaries for Teaching and Working with Students.

Policy #: 426
Title: NEPOTISM IN EMPLOYMENT
Date of Initial Approval: 10-18-2017
Revision/Re-authorization Dates:
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The purpose of this policy is to establish consistent employment guidelines and to prevent situations where an individual may have or be perceived to have unfair influence over the career development, work assignments, work direction, performance reviews, or compensation of a family member who is also employed by the Minnesota State Academies (MSA). As a public entity, MSA must be held to high standards to deserve the public trust. Nepotism, or the appearance of nepotism, diminishes the integrity of MSA in the public's eye and should be avoided at all times. Employing persons who are close family members, but whose work assignments do not bring them into supervisory work relationships, and whose employment was not influenced by the other does not constitute nepotism. Balancing the ability of MSA to attract and keep the best employees for the purposes of MSA's academic mission with a prohibition against nepotism requires the disclosure of potential conflicts with this policy and actions to prevent and arrange placement of related persons within the academies to avoid valid claims of nepotism.

II. GENERAL STATEMENT OF POLICY

MSA may employ family members of current employees. However:

- A. No individual shall be assigned, reassigned, permanently or temporarily employed or issued an independent contract in a department, program, location, or school where close family member will have administrative or supervisory responsibility over that individual.
- B. No employee shall be part of the interviewing, hiring, or contracting process for a close family member.
- C. No employee shall influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances of a close family member. If the employee has been granted an exception to have a close family member under their administrative or supervisory responsibility, any transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances for the excepted close family member shall be handled by the supervisor's superior.
- D. Close family members may work in the same department, location, or school as long as the relationship is disclosed and approved by both individuals' supervisors.
- E. Potential employees are required to disclose their relationship to a MSA employee who is a close family member during the application process to ensure that close family members do not participate in the selection process.

- F. Employees shall disclose any potential conflict with this policy due to a proposed reassignment, transfer, promotion or demotion, to their supervisor.
- G. Willful breaches of this policy may result in employee discipline up to, and including reassignment or termination of employment
- H. This policy does not apply generally to situations where students enroll in or are assigned to classes or activities taught or supervised by close family members. In such cases, the employee shall notify the Director of the relationship and the Director may make reassignments. In the event that no reassignment is possible, the employee shall be responsible for making those academic decisions normally incident to their instructional duties. (See Policy #423)

III. DEFINITIONS

A. Close Family Member

A close family member means the employee's parent, spouse, ex-spouse, child (including adopted child), sibling, grandmother, grandfather, grandchildren, niece, nephew, aunt, uncle, first cousin, all step relatives, including stepchild, stepmother, stepfather, step sister, and step brother, in-law relationships including father- and mother-in-law, daughter-and son-in-law, brother- and sister-in-law, ward of the employee or employee's spouse, domestic partner, or person cohabitating in the employee's household regardless of the degree of the relationship. Half-blood relationships are defined the same as full-blood relationships.

B. Direct or Indirect Supervision

Direct or indirect supervision means the authority to make, participate in, or recommend employment- and/or compensation-related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

IV. APPLICATION TO BOARD MEMBERS

MSA board members are not considered to have direct or indirect supervision except in situations when they are called upon to act specifically on matters of employment status or compensation for an applicant or employee. In such cases, board members shall abstain from the action when a close family member is involved or might be affected by the action. This includes situations when grievances may be brought before the board regarding decisions made by the superintendent regarding disciplinary action and/or other employment actions that affects the board member's close family member.

V. EXCEPTIONS: SPECIAL CIRCUMSTANCES

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature. Any exception must be reviewed and approved in writing by the Superintendent of MSA. Any direct or indirect supervision relationship approved by the Superintendent must be reported to the MSA board. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other supervisory personnel. Exceptions involving the Superintendent of MSA and a close family member of the Superintendent must be approved in writing by the MSA board.

VI. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIPS BETWEEN EMPLOYEES

Any employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the MSA Superintendent of such relationship. The Superintendent shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section V. of this policy. Any direct or indirect supervision relationship approved by the Superintendent under Section V. shall be reported to the MSA board. The Superintendent shall promptly notify the MSA board of any direct or indirect supervision relationship which arises concerning a close family member of the Superintendent. All such direct or indirect supervision relationships involving the Superintendent shall be resolved by the MSA board in accordance with this policy.

VII. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

Nothing in this policy shall be construed as discouraging the employment of close family members for positions that do not involve direct or indirect supervision. Nothing in this policy shall be construed to otherwise limit the employment opportunities of any person employed by MSA. Any employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the MSA Superintendent of such relationship. The Superintendent shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section V. of this policy. Any direct or indirect supervision relationship approved by the Superintendent under Section V. shall be reported to the MSA board. The Superintendent shall promptly notify the

MSA board of any direct or indirect supervision relationship which arises concerning a close family member of the Superintendent. All such direct or indirect supervision relationships involving the Superintendent shall be resolved by the MSA board in accordance with this policy

Legal References:

Minn. Stat. § 124E.07, Subd 6 (Charter Schools)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act)

Cross References:

MSBA/MASA Model Policy 210.1 (Conflict of Interest – Charter School Board Members)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 426 (Nepotism in Employment)
Minneapolis Public Schools Policy 3003 (Nepotism)

Appendix:

Appendix 424 A – Plan to address Direct or Indirect Supervisory Responsibility for a Close Family Member

Policy #: 442
Title: Braille Competency/Blind Awareness Training
Date of Initial Approval: 04-08-2003
Revision/Re-authorization Dates: 09-04-2011; 11-21-2013; 01-24-2019
Reviewers: MSA Superintendent; MSAB/MSAD Directors; MSA Human Resources Director

I. PURPOSE

The purpose of the Braille Competency/Blind Awareness Training policy at the Minnesota State Academies (MSA) is to provide a fair, consistent and systematic process for teaching new employees about blindness and developing their functional knowledge of braille so that they have appropriate knowledge and skills required to support the educational program for students who are blind, visually impaired, or deafblind, as well as supporting continuing education for employees about best practices and new developments within the field of Blind/Visually Impaired (B/V) Education.

II. GENERAL STATEMENT OF POLICY

Staff who are employed at the Minnesota State Academy for the Blind and/or have contact with students who are blind, visually impaired, or deafblind have a legal and professional obligation to understand the disability of blindness, to be respectful to individuals who are blind, visually impaired, or deafblind, and to have the expertise necessary to provide the best education possible to blind/visually-impaired/deafblind children who attend classes at MSA. This includes knowledge and skills in braille and blind awareness that matches the requirements of their positions at MSA. Employees must maintain up-to-date proficiency and knowledge of current braille codes (i.e. Unified English Braille - UEB) for implementation in their daily duties.

III. HISTORY

The Minnesota Legislature passed statute language to address the need for braille skills for staff who work at the Minnesota State Academy for the Blind. MS125A.67 Subd.5 (Braille Skills) states “A staff member at the Academy for the Blind must be knowledgeable in braille communication as appropriate for the staff member’s job.” MS125A.67 Subd.6. states that “An employee hired after August 1, 1985 cannot get permanent status until the employee is proficient in sign language if employed at the Academy for the Deaf or knowledgeable in Braille if employed at the Academy for the Blind.”

MSAB has provided informal workshops and in-service training in the past and formalized the process that addresses the statute language through this policy, enacted in 2003.

IV. STANDARDS AND TIMELINES

- A. All classroom teachers on the MSAB campus must possess licensure in the area of blind/visually-impaired which presumes proficiency in the use of braille as a written code of communication and competency in blind awareness. Exceptions to this must follow the Minnesota licensure guidelines for alternative licensure until B/VI licensure is obtained. Although classroom teachers may be hired with other types of teacher licensure, they must still demonstrate proficiency in braille and blind awareness.
- B. Other direct service or related service employees who either support braille reading/instruction, prepare materials in braille, or work with blind, visually impaired, or deafblind students on either campus must obtain required braille skills and blind awareness for their position.
- C. Options to demonstrate braille competency are:
- i. Successful completion of a college course in braille (intended to meet the braille requirement to become certified as a teacher of the blind/visually impaired)
 - ii. Successful completion of the beginning uncontracted and contracted braille course offered by the Hadley Institute distance education program
 - iii. Demonstrate a passing score on the National Braille Competency Test offered by the National Library Service
 - iv. Other options must be pre-approved by the MSAB Director or the Human Resources Office.
- D. Options to demonstrate competency in blind awareness are:
- i. Successful completion of college course(s) in B/VI instruction and methodology
 - ii. Successful completion of the Blindness Basics course offered by the Hadley Institute distance education program
 - iii. Successful completion of relevant courses approved by the MSAB Director or the Human Resources Office
 - iv. Successful completion of coursework offered at the MSAB campus on braille and blind awareness (12-hour seminar)
 - v. Other options must be pre-approved by the MSAB Director or the Human Resources Office.
- E. The Minnesota State Academies have established braille skills standards for each position at the Academies. If positions are added the superintendent, in conjunction with the Human Resources Department and the MSAB Director, will determine the appropriate standard for that position. If the expected standard is changed for a specific position, individuals that are already serving in that position will not be subject to termination for failure to achieve

the new standard but will be required to continue taking classes and training until they achieve the new standard.

- F. In general, positions that have direct and frequent contact with blind, visually-impaired, or deafblind students have the highest expectations for braille skills. Positions that have occasional or infrequent interaction with blind, visually-impaired, or deafblind students have lower expectations. When establishing standards for each position, MSA took the following factors into consideration.
 - a. Amount of contact a person in the position has with blind/visually impaired/deafblind individuals (students, staff, and/or parents/family members).
 - b. The type of contact (one-on-one contact and/or group contact) and the subject matter involved (i.e. counseling, storytelling, academic instruction, giving directions/explanations for specific activities, etc.)

- G. Each new employee will have a designated timeline to achieve the braille skills required for their position. It is preferred that MSA hires individuals who already possess braille skills required for their positions but employees who are hired without the appropriate braille skills will be provided with opportunities to attend classes to improve knowledge and skills. It is the employee's responsibility to complete coursework before the end of the first year of employment.

- H. Generally, the expectations for teachers, special education program assistants, and other professionals who work directly with blind, visually-impaired, and deafblind students and are involved in instructional activities will be expected to meet the following expectations:
 - a. **Advanced:** Completion of a college course as shown on an official transcript. Able to read uncontracted and contracted braille (tactilely or visually) and produce documents, and other relevant informational items with in-depth elaboration for both social and work topics with little or no errors in braille. Utilizes braille for instructional purposes in a variety of situations, or.
 - b. **Basic:** Completion of MSA-provided training sessions. Understands the foundation behind different braille systems and utilizes technology or other supports to produce necessary braille materials in class. Learns about the difference between contracted and uncontracted Braille. Able to read (tactilely or visually) braille with support.

(See Appendix 442A for specific expectations for each position)

- I. All new employees will be provided a copy of this policy at the time of hire as part of each employee's position description review. Supervisors and employees will develop a plan for completion of required coursework or assessments during the first year of employment. Employees who do not complete and pass coursework within the first year of hire will be dismissed

from their positions. Employees who do not successfully complete coursework within this time frame may request an extension, if desired, in writing to the superintendent. This should be accompanied by supporting documentation showing activities that employees have taken towards improving their braille skills.

V. BLIND AWARENESS# TRAINING REQUIREMENTS

A. New Employee Training

All new employees who have contact with blind, visually impaired, or deafblind students as a part of their job assignment will be provided with 12 hours of Braille and Blind Awareness Training within the first year of employment to understand blindness and be able to provide the necessary expertise for the best education possible for blind/visually-impaired/deafblind children on our campuses. Teachers who have completed B/VI teacher training programs are exempt from this requirement. The training sessions will include but are not limited to such topics as:

- i. Appropriate knowledge of braille (a minimum of 2 hours)
- ii. Etiquette and cultural norms
- iii. Technology and assistive technology
- iv. Orientation and Mobility
- v. Social skills protocol
- vi. Tactile/Pro-Tactile Communication for deafblind individuals
- vii. Daily living skills
- viii. Expanded Core Curriculum for blind/visually impaired students#
- ix. Discrimination/discriminatory practices that blind individuals may face in their lives.

B. Staff Development Refresher Sessions

Throughout the school year, instructional staff will be provided with refresher sessions to review best practices of working with blind/visually impaired/deafblind children and/or to learn about new developments in the area of B/VI education.

VI. REASONABLE ACCOMMODATIONS

A. Staff members who have disabling conditions which warrant reasonable accommodations may request reasonable accommodations and/or exceptions to components of this policy.

B. Requests for reasonable accommodations must be made in writing to the staff member's immediate supervisor or the human resources office, and must be made within 6 months of the date of hire or the date that the accommodations become necessary.

C. The staff member's immediate supervisor and the human resources office, in consultation with others as appropriate, will make recommendations

regarding reasonable accommodations to the Superintendent, who makes the final decision.

- D. If a staff member disagrees with the decision, they should follow the grievance procedure according to their respective union.

Appendices:

442-A: Braille Skills Required for MSA Positions/Classifications

Policy #: 443
Title: Staff American Sign Language (ASL) Proficiency
Date of Initial Approval: 03-04-2010
Revision/Re-authorization Dates: 11-21-2013; 06-12-2018
Reviewers: MSA Superintendent; MSAB/MSAD Directors; MSA Human Resources Office

I. PURPOSE

The purpose of the staff American Sign Language (ASL) Proficiency policy at the Minnesota State Academies (MSA) is to provide a fair, consistent and systematic process for ascertaining sign language skills of employees who have contact with deaf, hard-of-hearing, or deafblind students, family members, and/or staff members.

II. GENERAL STATEMENT OF POLICY

American Sign Language is the primary language used for communication and instruction for most of our students on the MSAD campus and many individuals in the MSA community (parents, family members, staff members, etc.). In order to ensure that all our students and community members have full access to language and communication, it is necessary that the Academies maintain a staff with sufficient proficiency in ASL to support our students' language, communication, and academic development. In order to determine the ASL proficiency of staff, a consistent and fair process of determining ASL skills is necessary. MSA has selected the Sign Language Proficiency Interview (SLPI) as our assessment tool that will be used to measure ASL proficiency on our campuses. Employees hired at MSA may provide results from the American Sign Language Proficiency Interview (ASLPI) or the SLPI, if taken at another location, to meet this requirement. (See Appendix 443-C for rating equivalents)

In the development of this policy, MSA considered different factors in establishing standards and expectations, including the following:

- a. Amount of contact a person in the position has with deaf, hard-of-hearing, or deafblind students, employees, parents/family members, and/or community members;
- b. the type of contact;
- c. and the subject matter involved (i.e. counseling, storytelling, academic subjects, giving directions or explanations for specific activities, etc.).

Furthermore, the factors listed above are also expected to influence the rate of acquisition of ASL skills. A position that provides more contact hours with individuals who use ASL would be expected to achieve specified ASL skill levels more quickly.

Other considerations that were incorporated into this policy include the following:

- a. Adequate time needs to be provided for employees to achieve required standards for their position, including consideration of differences in learning rates that may be expected between individuals. Reasonable time for achieving each specified skill level should be allowed.
- b. Employees should demonstrate reasonable, steady progress toward achieving ASL proficiency levels for their position and participate in a variety of opportunities to practice and develop their skills.
- c. MSA should strive to provide ASL classes and provide time during the employee's work day, whenever possible, to support their participation in those classes as well as other opportunities to practice and develop their ASL skills. Furthermore, MSA should encourage and provide on-going professional development opportunities relevant to both development of sign skills and use of sign skills in offering quality instruction to MSA students, including opportunities for employees who have achieved their required ASL standard to progress beyond the required levels.
- d. As MSA provides an ASL-rich environment and many natural communication opportunities for learning ASL skills, employees should be encouraged to recognize their individual learning styles/preferences and participate in opportunities that match their preferences/needs.
- e. Employees are be responsible for their progress and must seek out opportunities to achieve the required standards for their position within expected timelines. Assistance may be requested through their supervisors/directors and/or the Human Resources Office.

III. HISTORY

The Minnesota Legislature passed statute language to address the need for staff members who work at the Minnesota State Academy for the Deaf to be proficient in sign language. In MS125A.67 Subd.4 (Signing Skills), it states "A staff member at the Academy for the Deaf must have the sign language communication skills appropriate for the staff member's job." In MS125A.67 Subd.6., it states that "An employee hired after August 1, 1985 cannot get permanent status until the employee is proficient in sign language if employed at the Academy for the Deaf or knowledgeable in Braille if employed at the Academy for the Blind."

The SLPI assessment is based on the Language Proficiency Interview (LPI) which was developed at the Language School of U.S. Foreign Service Institute after World War II. The purpose for the LPI is to determine how well an individual can use a language for communication with a skilled user of the language. Professional and social topics of importance and interest to each individual are discussed during the LPI. The LPI is a criterion referenced test (based on predetermined standards) rather than a norm referenced (comparison between individuals) test.

The SLPI was developed by William Newell and Frank Caccamise in the early 1980's with the first SLPI Training workshop being offered at the Louisiana School for the Deaf in 1982. Frank Caccamise and William Newell trained a

twelve person team at the Minnesota Residential Academies (now Minnesota State Academies) in October 1985. This process is the result of the SLPI team's recommendations and adaptation to the needs of the Minnesota State Academies. Since that time, MSA has continued to train teams of raters to implement the SLPI for MSA employees as well as other individuals statewide.

IV. STANDARDS AND TIMELINES

- A. MSA has established standards for each position at the Academies. If positions are added, the superintendent, in conjunction with the Human Resources Department, the SLPI coordinator, and that position's supervisor, will determine the appropriate standard for that position. If the expected standard is changed for a specific position, individuals that are already serving in that position will not be subject to termination for failure to achieve the new standard but will be required to continue taking classes and annual assessments until they achieve the new standard.

- B. In general, positions that have direct and frequent communication and interaction with deaf, hard-of-hearing, or deafblind students have the highest expectations for ASL skills. Positions that have occasional or infrequent communication or interaction with students have lower expectations. Staff members who primarily work on the MSAB campus may have little or no requirement for ASL skills with the exception of those who work with deafblind students or deaf individuals who use ASL on that campus. When establishing standards for each position, MSA took the following factors into consideration.
 - a. Amount of contact a person in the position has with deaf individuals (students, staff, and/or parents/family members).
 - b. The type of contact (one-on-one contact and/or group contact)
 - c. The subject matter involved (i.e. counseling, storytelling, academic instruction, giving directions/explanations for specific activities, etc.)

- C. Each new employee will have a designated timeline to achieve the ASL skills required for their position. It is preferred that MSA hires individuals who already possess ASL skills required for their positions but employees who are hired without the appropriate ASL skills will be provided with opportunities to attend classes and/or participate in activities to improve their ASL skills. It is the employee's responsibility to seek out ways to improve their ASL skills within the provided timelines. (See Procedure 4100 for guidelines regarding classes and activities to help employees achieve required standards)
Timelines for achieving certain levels of skill are listed below:

<u>Skill Levels</u>	<u>From Date of Hire</u>
Survival/Survival Plus	2 years
Intermediate/Intermediate Plus	3 years
Advanced/Advanced Plus	4 years

- D. All new employees will be provided a copy of this policy and information about the SLPI at the time of hire. Directors and/or supervisors will review the SLPI requirements and document skill levels as part of the employee's annual performance evaluation. All employees will be interviewed annually until they reach the required standard for their position. Employees who have reached the required standard for their position will be re-evaluated every 3 years to ensure maintenance of their skills, except for those who have achieved an "Advanced Plus" rating or higher. Employees who do not make satisfactory progress towards achieving their required ASL Skills level within the required timelines will be dismissed from their positions. However, employees who do not successfully achieve required levels within the timelines may request an extension, if desired, in writing to the superintendent. This should be accompanied by supporting documentation showing activities that employees have taken towards improving their ASL skills.
- E. Contractors who desire to renew their contracts past their initial year of serving MSA must agree to be evaluated and achieve standards comparable to employees who perform similar duties within their contracts. (i.e. An audiologist on contract would need to achieve standards established for an audiologist in Appendix 443-D)

V. REASONABLE ACCOMMODATIONS

- A. Staff members who have disabling conditions which warrant reasonable accommodations may request reasonable accommodations and/or exceptions to the MSA Staff Sign Language Communication Skills Policy.
- B. Requests for reasonable accommodations must be made in writing to the staff member's immediate supervisor or the human resources office, and must be made within 6 months of the date of hire or the date that the accommodations become necessary.
- C. The staff member's immediate supervisor, human resources office, and MSA's SLPI Coordinator, in consultation with others as appropriate, will make recommendations regarding reasonable accommodations to the Superintendent, who makes the final decision.
- D. If a staff member disagrees with the decision regarding reasonable accommodations, they should follow the grievance procedure according to their respective union.

Appendices:

1. 443-A: A Brief Description of the SLPI
2. 443-B: Information for the Candidate/Staff Member
3. 443-C: SLPI Rating Scale
4. 443-D: ASL Skills Required for MSA Positions/Classifications

Related Procedure:

1. Procedure 4100 – Sign Language Proficiency Interview Procedures

Policy #: 524
Title: APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND TECHNOLOGY
Date of Initial Approval: 01-23-2003
Revision/Re-authorization Dates: 11-21-2013; 03-24-2016; 02-16-2017; 06-12-2018; 06-27-2019
Reviewers: MSA Superintendent and Informational Technology employees

I. PURPOSE

The Minnesota State Academies need to address the challenge of meeting legal requirements for access to information and providing adequate protection for proprietary information while at the same time maximizing the use of electronic communication devices and technology. This policy governs access to and the appropriate use of state-provided electronic tools and technology at all times, including both work and non-work time, by MSA employees, consultants, and contractors.

II. GENERAL STATEMENT OF POLICY

A. The Minnesota State Academies (MSA) provide a variety of electronic tools for employees, whose job performance require or would be enhanced by the use of technology.

These electronic tools include, but are not limited to, the following:

- Desk telephones
- Video phones
- Mobile devices (e.g., iPhones, iPads, BlackBerry's, android phones, etc.)
- Computers
- Facsimile machines, printers and copiers
- Pagers
- Electronic mail (e-mail) systems
- Internet access and apps used by MSA
- Two-way radios

B. Employee access to and use of electronic tools is intended for business-related purposes. Limited and reasonable incidental use of these tools for occasional personal purpose that does not result in any additional costs or loss of time or resources for their intended business purpose is permitted. Incidental use is defined as minimal duration in length and frequency.

C. Employees of MSA are responsible for appropriate use of all state-owned electronic tools. They are expected to adhere to the highest ethical standards when conducting state business and to follow the Code of Ethics and related state statutes applicable to executive branch employees.

M.S. §43A.38, Subd. 4 provides "Use of state property":

1. *Employees [Staff] shall not use or allow the use of state time, supplies, or state-owned or leased property and equipment for the employee's private interest or any other use not in the interest of the state, except as provided by law.*
2. *An employee [staff] may use state time, property, or equipment to communicate electronically with other persons including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under chapter 179A, provided this use, including the value of time*

spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.

3. *The commissioners of administration and management and budget shall issue a statewide policy on the use of electronic mail and other forms of electronic communications by executive branch state employees. The policy is not subject to the provisions of chapter 14 or 179A. Appointing authorities in the legislative and judicial branches shall issue policies on these issues for their employees. The policies shall permit state employees to make reasonable use of state time, property, and equipment for personal communications and shall address issues of privacy, content of communications, and the definition of reasonable use as well as other issues the commissioners and appointing authorities identify as necessary and relevant.*

M.S. §43A.39, Subd. 2 provides “Noncompliance”:

1. *Any employee [staff] who intentionally fails to comply with the provisions of Chapter 43A shall be subject to disciplinary action and action pursuant to Chapter 609.*

III. MANAGERS AND SUPERVISORS

- A. Managers and supervisors are responsible for ensuring that employees appropriately use all electronic tools by providing training, supervising, coaching and taking disciplinary action, when necessary.
- B. MSA are responsible for establishing internal policies regarding password management, encryption, data practices, monitoring access, records retention, and the like, and for communicating those policies to employees. MSA will ensure that the responsible authorities within the agency know who can access what, using what technology, and under what conditions.
- C. MSA will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activity.

IV. EMPLOYEE RESPONSIBILITIES

MSA employees need to use good judgment in the use of all state-provided electronic tools and technology. They are expected to ensure that messages conveyed are appropriate in both the types of messages created and the tone and content of those messages. Employee use of all state-provided electronic tools and technology must be able to withstand public scrutiny without embarrassment to MSA or the State of Minnesota.

Inappropriate Use:

Examples of inappropriate use include, but are not limited to:

1. Illegal activities;
2. Wagering, betting, or selling;
3. Harassment, cyber bullying, disparagement of others, stalking, and/or illegal discrimination;
4. Fund-raising for any purpose unless agency sanctioned;
5. Commercial activities, e.g., personal for-profit business activities;
6. Promotion of political or religious positions or activities;
7. Receipt, storage, display or transmission of material that is or may be reasonably regarded as violent, harassing, discriminatory, obscene, sexually explicit, or pornographic, including any depiction, photograph, audio recording, or written word;
8. Unauthorized accessing of non-public data or any attempt to post, transmit or distribute non-public or personal data;

9. Non-State employee use (e.g. family member or friend) at work or at home;
10. Introduction of information or materials that could cause damage or danger of disruption to the educational process;
11. Uses that are in any way disruptive, harmful to the reputation or business of the State or that are inappropriate in the education setting or to the educational process;
12. Purposes other than state business, except incidental or minimal use;
13. Attempts to vandalize, to degrade or to disrupt equipment, software or system performance by spreading computer viruses or other means;
14. Attempts to tamper with modify or change the MSA's system software, hardware or wiring or any action to disrupt Academies security systems; and
15. Attempts to violate copyright laws or usage licensing agreements, including downloading or exchanging pirated software.

Employees engaging in any of the above listed activities may be subject to discipline, up to and including dismissal.

The traditional communication rules of reasonableness, respect, courtesy and common sense and legal requirements also apply to electronic communication. Actions that are considered illegal such as gambling and sexual harassment are not up to the discretion of individual agencies or individual managers or supervisors, and such actions will subject the employee to disciplinary action up to and including dismissal.

Employees should be aware that they might receive inappropriate, unsolicited e-mail messages. Any such message should be deleted before opening if an employee does not believe the e-mail is coming from a reputable person or organization. If an employee does open an e-mail and discover it to be inappropriate in nature, or a potential security threat such as a virus, they should report it immediately to the MSA Informational Technology team. Under no circumstances should employees forward or reply to these messages prior to consulting with the IT team.

While employees may make personal use of state technology such as e-mail and Internet access, the amount of use during working hours is expected to be de minimis. De minimis use is defined as so small or minimal in difference that it does not matter or the law does not take it into consideration. Excessive time spent on such personal activities during working hours will subject the employee to disciplinary action.

Cellular Phones and/or Mobile Devices

A. Business Use Justification Requirements:

Cellular phones and/or mobile devices and service are provided for official state business use and are made available to employees in positions where the associated benefits justify the additional operating costs. Employees who meet the following criteria established by the Superintendent's office may be assigned MSA-assigned cellular phones and/or mobile devices.

1. Employees who need to respond to emergencies (i.e. Directors, Nurses)
2. Employees who spend more than 40% of their work time outside of their offices (i.e. Interpreters, Outreach Orientation and Mobility providers)

*The superintendent will consider unique circumstances in determining additional assignments of cellular phones and/or mobile devices.

** "Shared" cellular phones/mobile devices may be checked out for occasional use when employees are out of the office for an extended period of time.

- B. Shared Cellular Telephones and/or mobile devices:
Whenever frequency of use does not justify individual assignment, the sharing of state-owned cellular telephones and/or mobile devices is encouraged to reduce costs.
- C. Individual Assignment and Self-Management:
When sharing of state-owned cellular telephones/mobile devices does not meet operational needs, employees may be individually assigned a cellular telephone/mobile device.

MSA shall review and assign mobile devices and services consistent with their internal procedures.

Employees will acknowledge the receipt and acceptance of the conditions for the individual assignment of a state-owned cellular telephone/mobile device using the Minnesota State Academies form developed for this purpose. See *Minnesota State Academies Equipment Sign Out (Appendix 524-C)*.

MSA are responsible for keeping the Receipt Form on file for the duration of the individual assignment of a cellular telephone/mobile device to an employee. When the employee leaves his/her position or is no longer an authorized user, the state cellular/mobile device must be returned to the employee's supervisor or other designated official.

- D. Public Information:
Call detail (e.g., time, number called, date, duration) of calls appearing on the state cellular telephone billing account is public information, except when exempt by statute.
- E. Use of State Cellular Phone/Mobile Device for Personal Calls:
The use of state-owned cellular phones/mobile devices and service is intended for state business. Personal use of state-owned cellular phones/mobile devices is allowable only for incidental use.
- F. Essential Personal Calls:
Essential personal calls are defined as calls of minimum duration and frequency that are urgent in nature and cannot be made at another time or from a different telephone. Examples of essential personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, or to arrange for transportation or service in the event of car trouble.
- G. Potential Disciplinary Action:
Employees are expected to use state cellular phones/mobile devices responsibly and in accordance with this policy and any applicable work rules. Personal use of a state

mobile device in violation of this policy or MSA's work rules may result in revocation of the cellular phone/mobile device assignment and possible disciplinary action against the employee. In addition, employees must reimburse the state within 30 days for the costs of all non-essential personal calls at the state's costs (i.e., the contracted per minute rate, any additional amounts for applicable toll or roaming charges, miscellaneous fees and taxes).

H. Monthly Mobile Device Billing Review and Annual Service Reviews:

MSA Fiscal Services is responsible for reviewing monthly mobile device billings, not unlike any other type of billing it receives. Employees are responsible for identifying their personal calls and texts. Any personal use of a state cellular phone or mobile device shall be identified by the employees and submitted monthly to his/her supervisor or designated individual.

Fiscal Services will conduct an annual review of the individual cellular telephone/mobile device assignments to determine if there is a continuing need and if it remains cost-justified.

I. Use of a Personal Cellular Phone and/or Mobile Device for State Business:

Employees should not use their personal device to conduct state business without prior authorization given. In the event that an individual uses their personal cellular telephone/mobile device to conduct state business, the employee understands that any costs will not be reimbursed by MSA. Employees will be required to sign forms acknowledging their personal responsibility for devices and costs associated with monthly use and/or repairs/replacement.

J. Number Portability:

In the event of a change of vendors for the state's cellular contract, cellular numbers may be ported (transferred) from one vendor to another in most cases. Porting a personal cellular number to a state billing account is prohibited, as is porting a state cellular number to a personal billing account. This will avoid commingling of personal and business calls.

K. Employee Safety:

MSA employees are prohibited from using a cellular phone and/or mobile device to make a phone call while operating a motor vehicle in the conduct of state business, except for the purpose of making a phone call to obtain or render emergency assistance. Further, the use of a cellular phone/mobile device is prohibited in all contracts the state has entered into with rental car agencies, with the only exception being its use in an emergency situation. Additionally, employees are reminded that the use of a mobile device for non-telephone communication (e.g., texting) is illegal in Minnesota while operating a motor vehicle. (See Minnesota Statute 169.475 below)

169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.

Subdivision 1. Definition.

For purposes of this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between

physical devices. An electronic message includes, but is not limited to, e-mail, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.

Subd. 2. Prohibition on use.

No person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.

Subd. 3. Exceptions.

This section does not apply if a wireless communications device is used:

- (1) solely in a voice-activated or other hands-free mode;*
- (2) for making a cellular phone call;*
- (3) for obtaining emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;*
- (4) in the reasonable belief that a person's life or safety is in immediate danger; or*
- (5) in an authorized emergency vehicle while in the performance of official duties.*

V. STUDENT AND PARENT RESPONSIBILITIES

- A. Students are expected to comply by the same rules and regulations listed above for employees while using school-provided technology, including computers, other electronic devices, e-mail, and Internet Access. Students who are observed in violation of rules shall face consequences as outlined in the student handbook, including possible suspension of their computer/Internet privileges for a period of time.
- B. A student engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a student is negatively impacted. If the school district receives a report of unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students may be subject to disciplinary action for such conduct, including but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, or expulsion.
- C. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.

Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:

1. A copy of the user notification form provided to the student user.
2. A description of parent/guardian responsibilities.
3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
5. A statement that the school district's acceptable use policy is available for parental review.

VI. UNION USE

In the interest of maintaining effective labor management relationships and efficient use of state time and resources, state e-mail systems may be used by employee representatives of the union for certain union activities, in accordance with provisions of applicable bargaining unit agreements.

State-owned property or services including the e-mail system may not be used for political activities, fund-raising, campaigning for union office, union organizing activities, or solicitation of employees for union membership.

Union use of electronic communication technology is subject to the same conditions as employee use of such technology, as set forth in this Policy Memorandum. This includes the conditions set forth in the paragraph below entitled, "Monitoring."

VII. MONITORING

Electronic communication devices such as mobile devices, desk telephones, two-way radios, videophones, facsimile machines, pagers, state e-mail systems and Internet access, any and all software, data, or other information stored on a state-owned computer are state property. Like the other state-owned resources, they are intended to be used for state business and other MSA-sanctioned activities. State-owned electronic communication devices may be monitored, read, examined, seized or confiscated as necessary. Accordingly, MSA reserve the right to monitor any and all electronic communication device activity. Electronic monitoring of telephone¹, facsimile, pager, e-mail and Internet activities that conversations will only occur if proper notice has been given, in accordance with the Federal regulations for Stored Wire and Electronic Communications and Transactional Records Access (Federal Wire Tap Regulations) – see 21 U.S.C. 2701-2711.

Employees should not expect that any state-owned electronic communication device activity will remain private². The State reserves the right to monitor any use of these systems, including use of these devices while the employee is on their own time, to

¹ However, electronic monitoring of telephone conversations will only occur if proper notice has been given, in accordance with Federal regulations for Stored Wire and Electronic Communications and Transactional Records access (Federal Wire Tap Regulations) – See 21 U.S.C. §§2701-2711.

² Similarly, other State-owned property, including, but not limited to, locked/unlocked desk drawers and cabinets, vehicles, and equipment may also be seized, confiscated, and/or searched as necessary. Staff should not expect any personal property that is maintained and/or stored in state owned property would remain private.

access any information on these systems, and to take any action it determines to be appropriate with respect to that information.

Data that agencies maintain electronically are government data and, as such, are subject to classification and access under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13. Employees should understand that electronic data may not be completely secure. They should also understand that e-mail messages and Internet transactions, including those they delete or erase from their own files, may be backed up or recorded and stored centrally for system security and investigative purposes. E-mails and records of Internet activities may be retrieved and viewed by someone else with proper authority at a later date. It is the user's responsibility to use care in communicating information not meant for public viewing.

Because electronic communication systems, such as facsimile, e-mail and Internet systems may not be secure, it is recommended that employees not send any data classified under the Minnesota Government Data Practices Act as not public (private or confidential data on individuals or nonpublic or protected nonpublic data not on individuals) through unsecured facsimiles or over the e-mail or Internet systems unless the data are encrypted or encoded.

VIII. FILTERING

A. With respect to any of its computers with Internet access, the Minnesota State Academies will monitor the online activities and employ technology protection measures during any use of these computers by minors or adults. The technology protection utilized will block, filter or limit Internet access to any text or visual depictions that are: 1) Obscene; 2) Pornographic; or 3) Harmful to minors.

Please see Appendix 524-B "Category Objects for Web Filtering" for detailed listing of blocked, filtered or limited internet access categories.

- B. The term "harmful to minors" means any picture, image, graphic or visual depiction that:
1. Taken as a whole and with respect to minors, appeals to an interest in nudity or sex, an actual or simulated sexual act or lewd exhibition; or
 2. Depicts, describes or represents information, in a patently offensive way with respect to what is suitable for minors.
- C. An administrator, supervisor or other person with written authorization by the superintendent may disable the technology protection measures, during use by an adult, to enable access for bona fide research or other lawful purpose.

IX. RECORD RETENTION SCHEDULES

Record retention schedules are the same regardless of the medium used to create or store the record. As a result, many electronic records and e-mail messages are official records of the agency and must be retained in accordance with MSA's approved record retention schedule appropriate for the type, nature and content of the record. Improper disposal may subject the employee and MSA to legal sanctions and other administrative

or legal consequences. The same rules that are used to determine if a paper, microform or videotaped record should be retained apply to electronic records or e-mail messages.

Additional References:

Administrative Procedure 1.2 – Harassment Prohibited
Statewide Policy – Zero Tolerance for Sexual Harassment
MN. STAT. 1.50 – Freedom From Violence
MN. STAT. 15.86 – State Agency Actions
MN. STAT. Chapter 13 – Government Data Practices
MN. STAT. 138.17 – Government Records; Administration
MN. STAT. 43a.38, Subd. 4 – Use of State Property
MN. STAT. 43a.39, Subd. 2 - Noncompliance
MN. STAT. 169.475 – Use of Wireless Communications Device

Appendixes:

524-A: Personal Phone Use
524-B: Category Objects for Web Filtering
524-C: Minnesota State Academies Equipment Sign-Out
524-D: Student/Parent Electronic Communication and Technology Agreement
524-E: Employee Electronic Communication and Technology Agreement

Policy #: 533
Title: WELLNESS – NUTRITION AND PHYSICAL ACTIVITY
Date of Initial Approval: 6/23/2006
Revision/Re-authorization Dates: 3/4/2010; 1/21/2016; 6/29/2017
Reviewers: MSA Food Services Director; MSA Nursing Services Director; MSA Superintendent

[Note: All school districts that participate in the National School Lunch and School Breakfast Programs are required by the Healthy, Hunger-Free Kids Act of 2010 (Act) to have a wellness policy that includes standards and nutrition guidelines for foods and beverages made available to students on campus during the school day, as well as specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. The Act requires the involvement of parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the public in the development, implementation, and periodic review and update of the wellness policy. The Act also requires a plan for measuring implementation of the policy and reporting wellness policy content and implementation issues to the public, as well as the designation of at least one person charged with responsibility for the implementation and oversight of the wellness policy to ensure the school district is in compliance with the policy.]

I. PURPOSE

The purpose of this policy is to set forth methods that promote student wellness, prevent and reduce childhood obesity, and assure that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum local, state, and federal standards. The Minnesota State Academies (MSA) are committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity.

II. POLICY GOALS

- The Academies will engage all stakeholders, including parents, students and staff, in developing, implementing, monitoring, and reviewing nutrition and physical activity policies.
- Student Nutrition Programs will comply with the Federal/U.S. Department of Agriculture regulations and requirements. MSA's Student Nutrition Program is accessible to all students.
- Foods and beverages sold **or made available** to students within the school day will meet the federal nutrition guidelines. The school day is considered as starting at 12:00 (midnight) to 30 minutes after the last class ends.
- All MSA students will have opportunities, support, and encouragement to be physically active on a regular basis.
- MSA will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.
- MSA recognizes that staff well-being affects student wellness and school success.

- Physical activity opportunities should be encouraged and provided at MSA for families and the community as appropriate.

To Achieve These Policy Goals:

A. Wellness Leaders

The MSA Wellness Committee will implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies and procedures. Administration and committee members will serve as resources for implementing these policies. The MSA Wellness Committee will include stakeholders from both campuses, including parents, students and staff to the extent possible. As much as possible, the stakeholders should represent a variety of cultures and different regions of the state.

B. Food Safety

- Foods brought from home for student consumption during special group events must be purchased ready to eat and be wrapped in the original packaging.
- External groups that use the MSA's kitchen(s) must do so under the supervision of a food safety certified employee.
- When external caterers are used, the safety of food served is the responsibility of the caterer and party responsible for serving the food.

C. School Meals

The meal program at MSA will:

- follow the federal government's nutrition standards as stated in the Healthy and Hunger Free Kids Act (HHFKA);
 - Note: Exceptions to this must be accompanied by a doctor's note with a legitimate medical reason for the exception. (*MN Department of Education – Special Diet Statement*)
- have meals that are appealing and attractive to students; and will be served in clean and pleasant settings;
- provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch and supper;
- avoid scheduling tutoring, club, or organizational meetings or activities during meal times, unless students may eat during such activities. If those activities are scheduled during meal times, MSA will provide meals that adheres to the nutritional standards above;
- will schedule elementary lunch periods before or after recess periods;
- will provide students access to hand washing or hand sanitizing before they eat meals or snacks;
- take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (e.g., orthodontia or high tooth decay risk).

- As part of MSA's responsibility to operate a food service program, MSA will provide continuing professional development for all food service personnel in schools.
- Free drinking water is available for self-service in all cafeterias during meal times and throughout the school buildings as much as possible.
- All school nutrition program directors, managers, and staff will meet hiring and annual continuing education/training requirements as outlined in the USDA Professional Standards for Child Nutrition Professionals. All school nutrition staff are responsible for obtaining training that meets their needs/requirements.

Bag Lunches from Home: The Minnesota State Academies strongly encourage families to pack healthy choices for their children if bag lunches are sent to school. Students that bring a bag lunch will be permitted to take milk from the dining room to have with their meal but will NOT be allowed to have both their bag lunch and a cafeteria lunch at the same time. Packed lunches must be packed in a food safe container. Because of various food allergies, students will not be allowed to share what they bring with any other students.

Staff members bringing food or beverages for their own consumption will not be allowed to share these with students, given concerns about allergies and restrictions on some student's diets. Staff members that do not have a duty free lunch and eat meals with students are encouraged to pack nutritious food and be a positive role model at meal times.

The Food Services Director will develop and post rules for food that is permitted in the cafeteria. If students or staff members bring food that does not adhere to those rules, they will be provided with an alternate location for their meals.

D. Foods and Beverages Outside Of Reimbursable School Meals –
(Parties, School Activities, Snacks, Fundraisers, and Vending Machines)

Foods and beverages **made available to or served** to students during the school day must meet the Smart Snacks guidelines. The school day is considered to be starting at 12:00 (midnight) to 30 minutes after the last class ends. **The MSA Food Services Director will post USDA Smart Snack guidelines in the cafeterias and on the school website and update them as changes are made. are as follows:**

- ~~A fruit, a vegetable, a dairy product, a protein food, or a whole grain rich food; or a combination that contains at least one quarter cup of fruits or vegetables.~~
- ~~Contain 10% of the Daily Value (DV) of calcium, potassium, vitamin D or fiber.~~
- ~~Total fat must be ≤35% of calories; saturated fat must be ≤ 10% of calories and there must be zero grams of trans fat per serving.~~

- ~~Sodium must be ≤200 mg per serving and sugar must be ≤35% of calories per serving.~~
- ~~Fruits and vegetables must be packed in juice or extra-light syrup.~~
- ~~Snack items must have ≤200 calories per serving.~~

Beverages must be:

- ~~100% fruit or vegetables juices that do not contain additional calorie sweeteners;~~
- ~~Water or seltzer water without added caloric sweeteners;~~
- ~~Unflavored or flavored fat-free or non-fat fluid milk and nutritionally equivalent non-dairy beverages.~~

Food in the Classrooms: As a general rule, food is prohibited in the classrooms except for those students with medical exemptions or snacks which are provided by food services (following Smart Snack guidelines). Exceptions to this must be approved by the campus director. On occasion, food/drinks may be permitted for educational reasons.

Celebrations and Special Events: MSA will limit celebrations/parties that involve food to special events such as holidays and the last day of school. The Academies encourage a healthy balance of nutritional and non-nutritional food. A list of healthful snack items can be provided as a reference to teachers, after-school program personnel, and parents.

Fundraising Activities: Fundraisers that are sold to students during the school day must meet the above Smart Snack guidelines; or must be a non-food fundraiser. There are no exemptions to this rule. It is strongly encouraged that fundraisers that are sold to staff members during the school day also follow the same guidelines.

Concessions: Food that is sold during games or other activities must provide a choice of nutritional and non-nutritional food.

Vending Machines: Vending machines must not be utilized by students during the school day unless the products meet the above Smart Snack guidelines.

Rewards: The use of foods or beverages as rewards for academic performance or good behavior is not allowed. The withholding of foods or beverages as a punishment is prohibited.

Field Trips, Athletic Events, and other Trips: When appropriate, the MSA Food Services will provide bag lunches that meet nutrition standards above. As much as possible, coaches, sponsors, and/or chaperones will select restaurants that provide healthy choices for meals during long trips.

The MSA Wellness Committee will develop procedures and guidelines for the food and beverage-related activities mentioned above to support awareness and education of staff members and students.

E. Nutrition, Physical Activity Promotion, and Food Marketing

MSA aims to teach, encourage, and support healthy eating by students. Both academies should provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- includes offering healthy choices when meals are prepared in the dorms;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens; and
- includes training for teachers and other staff.

Integrating Physical Activity into Daily Activities

For students to receive the nationally recommended amount of daily physical activity (**at least 60 minutes per day with opportunities for aerobic, muscle-strengthening, and/or bone-strengthening activities**) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

- classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television or playing video games;
- opportunities for physical activity will be incorporated into other subject lessons and after school activities;
- Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

Communications with Parents

- MSA recognizes that parents and guardians have a primary and fundamental role in promoting and protecting their children's health and well-being.
- MSA will support parents' efforts to provide a healthy diet and daily physical activity for their children.
- MSA encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
- MSA will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to

provide their children with opportunities to be physically active outside of school.

Food Marketing

School-based marketing will be consistent with nutrition education and health promotion. As such, MSA will avoid food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually. Marketing of brands promoting predominantly low-nutrition foods and beverages is discouraged. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Staff Wellness

MSA highly values the health and well-being of every staff member and will plan and implement activities and policies that support personal efforts by staff to maintain a healthy lifestyle.

F. Physical Activity Opportunities and Physical Education

Daily Physical Education / Recess

All students in grades K-8 will engage in daily physical activity during the school day in the form of physical education class and/or recess for a minimum of **225 minutes/week**. Students in grades 9 – 12 will have a minimum of one semester of P.E. class during their high school years. Students will spend at least 50 percent of physical education class time participating in Moderate to Vigorous Physical Activity.

Periods of Activity

Periods of inactivity (one or more hours) is discouraged. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, students should be given periodic breaks during which they are encouraged to stand and be moderately active.

Physical Activity Opportunities Before and After School

The dormitory recreation staff will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. The high schools, and middle schools as appropriate, will offer interscholastic sports programs. MSA will offer a range of activities that meet the needs, interests, and abilities of all students. After-school programs will provide and encourage daily periods of moderate to vigorous physical activity for all participants. **MSA will promote walking and/or biking to school when appropriate.**

Physical Activity and Punishment

Staff will not use physical activity (e.g., running laps, pushups) or withhold opportunities for physical activity (e.g., recess, physical education) as punishment.

III. MONITORING AND POLICY REVIEW

The superintendent and designees will ensure compliance with the wellness policy and will submit an annual summary about MSA's compliance with this nutrition and physical activity wellness policy, based on input from faculty, staff, directors and administration, to the MSA board. The report will be shared with all MSA staff, students, parents and families, and any other interested parties.

Monitoring will be repeated on an annual basis to ensure policy compliance, assess progress and determine areas in need of improvement and/or revisions.

Legal References:

Minn. Stat. § 121A.215 (Local School District Wellness Policy)
42 U.S.C. § 1751 et seq. (Healthy and Hunger-Free Kids Act)
42 U.S.C. § 1758b (Local School Wellness Policy)
42 U.S.C. § 1771 et seq. (Child Nutrition Act of 1966)
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)
7 C.F.R. § 210.10 (School Lunch Program Regulations)
7 C.F.R. § 220.8 (School Breakfast Program Regulations)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Local Resources:

Minnesota Department of Education, www.education.state.mn.us
Minnesota Department of Health, www.health.state.mn.us
Action for Healthy Kids Minnesota, www.actionforhealthykids.org
United States Department of Agriculture, www.fns.usda.gov

Policy #: 903
Title: VISITORS TO MSA BUILDINGS AND SITES
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Instructional Leadership Team

I. PURPOSE

The purpose of this policy is to provide guidelines and clear expectations regarding visitors on the Minnesota State Academies (MSA) campuses, buildings, and other school property.

II. GENERAL STATEMENT OF POLICY

- A. MSA encourages the involvement of parents and community members in school programs and student activities. MSA 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 MSA administration.
- B. MSA 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 employees' work environment.

III. RESPONSIBILITIES

- A. The MSA administration will develop procedures for visitors, including check-in requirements for individuals wishing to enter instructional and dorm buildings. Those procedures will include visitors on campus for events, both sponsored by MSA or by outside organizations.
- B. The MSA administration will also develop procedures for outside organizations/groups to request a tour of buildings, instructional spaces, and/or other school properties.
- C. The superintendent shall be responsible for providing coordination that may be needed throughout the process.

IV. VISITOR LIMITATIONS

- A. An individual or group may be denied permission to visit MSA buildings, campuses, and other school events or such permission may be revoked if the visitor(s) does not comply with MSA policies, procedures, and regulations or if the visit is not in the best interest of students, employees, or MSA.
- B. An individual or group who enters school property without complying with MSA visitor procedures and requirements may be guilty of criminal trespass

- and thus subject to criminal penalty. MSA administrators may request police intervention in those situations.
- C. Individuals who require accommodations for their visit to MSA must send their request for accommodations to the campus or student life director at least 48 hours in advance of their visit.
 - D. Classroom visits are permitted only if:
 - a. The visitor is not disruptive to the normal school or learning environment
 - b. The duration or frequency of the visit does not interfere with the delivery of instruction or disrupt the normal school environment
 - c. The requested visit is for a school official or parent/guardian and does not involve a third party observing a classroom occupied by students without express permission from all parents/guardians

Legal References:

Minn. Stat. § 123B.02 (General Powers of Independent School Districts)

Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)

Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)

Policy #: 121
Title: COMMUNICATION, LANGUAGE, AND ACCESSIBILITY
Date of Initial Approval: 06-27-2019
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Instructional Leadership Team; MSAB/MSAD Site Councils

I. PURPOSE

The purpose of this policy is to ensure that full access to communication, language, and learning is provided for students and employees at the Minnesota State Academies (MSA). Each student at MSA deserves a fully accessible learning environment which supports a high-quality education and development of linguistic, cognitive, social, and academic skills. MSA strives for functional equivalence in language and communication access throughout the educational environment at all times, for both students and employees.

II. GENERAL STATEMENT OF POLICY

MSA recognizes the central role that language and culture play in the overall linguistic, cognitive, social, and academic development of students at MSA. Furthermore, our deaf/hard-of-hearing, blind/visually impaired, or deafblind staff members must have full access to language, communication, and information to perform their job duties efficiently.

MSA acknowledges that complex societal and historical factors contribute to the inequity within our schools, communities, and nation. Nonetheless, MSA must work towards addressing and overcoming this inequity in accessibility. Included in this are continuous efforts towards challenging and remedying the institutional and other discriminatory systems that place barriers in the way of full access for students who are deaf/hard of hearing (D/HH), blind/visually impaired (B/VI), or deafblind (DB). MSA recognizes the right of all students and staff to have full and ongoing access to language, communication, and educational activities throughout both campuses.

By providing full access to language and communication, each student at MSA will be empowered and equipped to achieve on-grade learning and interpersonal growth as individuals. It is the goal of MSA to provide a safe learning and language-rich environment so that students can develop their language skills, literacy, thinking skills, and social skills so that they can fully access their learning. Within this environment, employees should also have the same level of accessibility and respect in order to be positive role models and language facilitators/teachers for our students.

III. ADMINISTRATIVE AND STAFF RESPONSIBILITIES

A. MSA administration and staff members will develop, support, model, and sustain strategies for providing full access to language and communication for all students and employees. MSA administrators and employees will also establish workplace rules and expectations that support full accessibility for everyone.

B. MSA administration and staff members will develop practices that create multiple pathways to providing functional equivalence and full access to language and communication in order to meet the needs of our diverse students and employees,

and will actively encourage, support, and expect the provision of those pathways throughout both campuses in all activities and programs.

- C. MSA administration will monitor policies, procedures, programs, and practices to assess educational equity and work to eliminate any language or communication disparities in all MSA programs, including attention to the following principles:
- a. Each student will receive high quality and culturally responsive pedagogy, using the most accessible and appropriate methods.
 - b. MSA will recruit, employ, support, and retain a workforce that have the necessary knowledge and skills to support language, communication, and literacy skills of MSA students. MSA will model accessibility in all business practices and replace inequitable operational practices with systems that support implementation of this policy. (i.e. MSA Policies #442 – Braille Competency and Blind Awareness; and #443 – Staff ASL Proficiency)
 - c. Consistent with federal/state regulations and other MSA policies, educational materials, assessments, and activities will be made accessible as much as possible, using methods appropriate to the unique learning and language needs of each student and staff member. Support services (i.e. ASL/English interpreters, Braille copies of handouts, Audio Description) must be scheduled and coordinated in advance of events to prevent gaps in communication and accessibility.
 - d. Each program will seek community input and create a welcoming culture and inclusive environment that reflects the diverse language and communication needs of the school's diverse school populations, their families, and communities. Partnerships will be sought out and developed between MSA programs and community members to bring multiple cultural perspectives into our programs.

IV. COMMUNICATION AND LANGUAGE ACCESS FOR DEAF/HARD OF HEARING STUDENTS

Especially on the MSAD campus, but also including other areas where educational and language development activities are provided, D/HH require opportunities to learn and develop their language skills using ASL throughout all activities, including respect and appreciation for deaf culture. Providing students with an educational environment which utilizes American Sign Language (ASL) along with a strong commitment towards the development of ASL and English literacy within our bilingual instruction framework is critical. To achieve this, all staff members, contractors, and/or others working with or around D/HH students at MSA must utilize ASL for communication to the greatest extent possible, allowing for incidental learning in and out of the classroom. This includes ensuring that all of our materials, programs, and instructional activities are accessible, utilizing methods appropriate to the student, (i.e. technological supports, material modification, open/closed captioning, and/or instructional strategies) to match each student's individual learning, language, and accessibility needs.

As staff members and administrators make decisions about daily activities, curricular content, and other academic/language development decisions, they should consider the following factors:

- High expectations/standards towards the development of two languages – ASL and English.
- Training for teachers and students about language use within the classroom (i.e. use of ASL as the language of instruction; language separation; balanced literacy, prohibition of Simultaneous Communication)
- Ensuring language and cultural knowledge is developed, supporting students' self-esteem and confidence
- Removal of any barriers towards learning, in and out of the classroom
- Development of language development plans and goals to support students who may have gaps in one or both languages.
- Support of ASL literacy as an invaluable foundation for second language acquisition and development, developing thinking processes; maintaining cultural identity; and increasing communicative and literacy competence.
- Creation of a culture of respect and dignity, recognizing and supporting the unique needs and abilities of each student and staff member.
- Opportunities for both incidental and planned communication
- Access to deaf history, deaf culture, and D/HH role models, with emphasis on including diverse individuals and experiences representing more than one national origin, color, religion, socioeconomic stratum, sexual orientation, gender identity, etc.
- Training for students and staff regarding communication, language use, and technology within different situations (i.e. classes, telephone/videophone calls; meetings; extracurricular activities; crisis and emergency situations)
- Interpreting services and needs
- Supporting new signers with appropriate instruction and language supports within their transition plan.

V. ACCESSIBILITY FOR BLIND/VISUALLY IMPAIRED STUDENTS

Especially on the MSAB campus, but also including other areas where educational and language development activities are provided, B/VI students require opportunities to learn and develop their language skills using Accessible Educational Materials (AEM), technology access/augmented communication devices, and/or audio description throughout all activities, including respect and understanding of their needs. AEM includes the following formats: Braille, Large Print, Audio, and Digital Materials. Providing students with an educational environment which involves the use of Braille with a strong commitment towards the development of literacy is critical. To achieve this, all staff members, contractors, and/or others working with or around B/VI students at MSA must provide access to information using AEM, and/or audio description to the greatest extent possible, allowing for incidental learning in and out of the classroom. This includes ensuring that all of our materials, programs, and instructional activities are accessible, utilizing methods appropriate to the student, including technological supports, material modification, and instructional strategies to match each student's individual learning, language, and accessibility needs.

As staff members and administrators make decisions about daily activities, curricular content, and other academic/language development decisions, they should consider the following factors:

- High expectations/standards for literacy and communication
- Training for teachers and students about accessibility within the classroom (i.e. use of AEM, audio description, augmented communication, technological advances)
- Ensuring support for language development and literacy, supporting students' self-esteem and confidence
- Removal of any barriers towards learning in and out of the classroom
- Development of Braille skills/technology training and goals to support students who may have gaps in their skills/knowledge, including developing thinking processes; and increasing communicative and literacy competence.
- Creation of a culture of respect and dignity, recognizing and supporting the unique needs and abilities of each student and staff member.
- Opportunities for both incidental and planned communication
- Access to blind history and B/VI role models, with emphasis on including diverse individuals and experiences representing more than one national origin, color, religion, socioeconomic stratum, sexual orientation, gender identity, etc.
- Training for students and staff regarding accessibility for B/VI individuals within different situations (i.e. classes; meetings; extracurricular activities; crisis and emergency situations)
- Audio description services and needs
- Supporting new students with appropriate instruction and supports within their transition plan.

VI. COMMUNICATION, LANGUAGE, AND ACCESSIBILITY FOR DEAFBLIND STUDENTS

Throughout all areas where educational and language development activities are provided, DB students require opportunities to learn and develop their language skills utilizing approaches that are individually designed to match their communication, language, and learning needs. Since each DB student's needs are often unique, a clear understanding of each individual's needs and providing them with an educational environment that is carefully designed to support their acquisition of language and literacy is critical. To achieve this, all staff members, contractors, and/or others working with or around DB students at MSA must provide access to information to the greatest extent possible, allowing for incidental learning in and out of the classroom. This includes ensuring that all of our materials, programs, and instructional activities are accessible, utilizing methods appropriate to the student, including technological supports, material modification, and instructional strategies to match each student's individual learning, language, and accessibility needs.

Factors indicated above for D/HH students and B/VI students also apply to DB students and staff members/administrators must consider each factor carefully in relation to the student's unique needs. Additional factors beyond those already listed that need to be considered are as follows:

- Intervener needs and training
- Scheduling and provision of services and transportation between services on both campuses as needed.
- Incorporation of all accessibility needs in all activities (universal design for learning), including training for students and staff.
- Continued support and training for staff members

- ProTactile and/or Haptics support
- Access to deafblind history and DB role models with emphasis on including diverse individuals and experiences representing more than one national origin, color, religion, socioeconomic stratum, sexual orientation, gender identity, etc.

VII. COMMUNICATION, LANGUAGE, AND ACCESSIBILITY FOR D/HH, B/VI, AND DEAFBLIND EMPLOYEES

Employees who are D/HH, B/VI, or DB deserve the same respect and accessibility as all other employees. Support for their language, communication, and accessibility needs are equally important as those provided for students. The same factors identified for students also apply to employees. Administrators and employees must create a workplace environment in which full accessibility is provided in activities, training, and other meetings/gatherings to the greatest extent possible, including consideration for communication, language access, and accessibility in all places where D/HH, B/VI, or DB employees work. Additional emphasis must be placed on public places (i.e. offices, hallways, outdoor spaces) to ensure that D/HH, B/VI, or DB staff are not excluded.

VIII. REPORTING PROCEDURES

Any student or employee who observes situations in which communication and language access was not provided should report the situation immediately to their supervisor. Upon receipt of a report, the supervisor must take steps to investigate the report and take appropriate action. The use of formal reporting forms is not mandatory and nothing in this policy shall prevent any person from reporting situations directly to the MSA Human Resources director or to the MSA Superintendent. Supervisors may consult with the MSA Human Resources department for assistance in investigating and following up with repeated violations of this policy, including possible disciplinary actions.

Cross References:

MSA Policy #442 – Braille and Blind Awareness

MSA Policy #443 – Staff ASL Proficiency

Policy #: 425
Title: STAFF DEVELOPMENT
Date of Initial Approval: 05-06-1999
Revision/Re-authorization Dates: 11-17-2016; 02-28-2019
Reviewers: MSA Human Resources Director; MSAB Director; MSAD Director; MSA Director of Student Support Services

I. PURPOSE

The purpose of this policy is to establish a staff development program and structure to carry out planning and reporting on staff development that supports improved student learning and which encourages professional development for all staff of the Minnesota State Academies (MSA).

II. NEED

The MSA Board believes that professional/staff development and learning should be an integral part of the Academies' strategic planning so that staff can perform their individual jobs effectively and, in doing so, ensure that the organization achieves its objectives.

The central aim is therefore to provide an environment where continuous development can take place and where staff are supported and enabled to meet the changing demands and priorities of MSA and our students.

To achieve this aim, learning and development needs will be regularly reviewed and staff will be encouraged to play an active part in identifying their own learning needs, selecting appropriate learning methods and in assessing the outcomes and effectiveness of their learning.

It is in the best interests of MSA that all staff members participate in ongoing professional development so as to improve their ability to perform assigned work and to improve the ability of MSA to meet the needs of students.

III. APPLICATION

- A. This professional development/training plan applies to all staff of MSA.
- B. All staff attending training and/or conferences off-site are required to share information from those trainings with their colleagues and supervisors as appropriate.
- C. Staff returning from trainings/conferences out of state must complete a report for the board explaining what was learned and how this training benefits MSA.

IV. REQUIRED TRAINING

- A. ALL STAFF are required to receive annual training or updates/sign off on policy in the following areas:
1. Mandatory Reporting/Child Abuse and Neglect
 2. Right to Know
 3. Crisis Prevention Intervention*
 4. Bloodborne Pathogen
 5. Preventing Sexual Harassment
 6. Code of Ethics/Code of Conduct

In addition to the above, specific departments require the following annual training and may require additional training throughout the year as determined by the supervisor/director of that department:

- B. MSA staff who are required to maintain student information systems are required to attend and remain up-to-date on student information systems training.
- C. All staff working with deaf, hard-of-hearing, and deafblind children are required to meet ASL Proficiency requirements and attend available training to obtain required levels (See MSA Policy #443).
- D. All staff working with blind, visually impaired, and deafblind children are required to meet the Braille and Blind Awareness requirements and attend available training to obtain required levels. (See MSA Policy #442)
- E. MSAB/MSAD Special Teachers and Special Education Program Assistants (SEPA) staff are required to obtain and maintain Cardio-Pulmonary Resuscitation (Infant-Child-Adult CPR), Automated External Defibrillator (AED), and First Aid certification. If coaches or activity sponsors are hired from outside MSAB/MSAD, they must also obtain and maintain CPR, AED, and First Aid certification.
- F. MSAB/MSAD Educational Staff are required to attend additional training as determined by the directors (i.e., Family Educational Rights and Privacy Act (FERPA), behavior management, graduation standards, Individual Education Program (IEP), curriculum, and other educational related matters).
- G. MSAD Residential Staff are required to obtain and maintain Infant-Child-Adult CPR, AED, and First Aid certification.
- H. MSAB Residential Staff are required to obtain and maintain Infant-Child-Adult CPR, AED, and First Aid certification; and participate in annual Pool Safety Training.

- I. Student Nutrition Staff are required to attend trainings as determined by the MSA Food Services Director to maintain skills and knowledge related to food handling and safety.
- J. Health Services Staff are required to attend trainings as determined by the MSA Health Services Director to maintain skills and knowledge related to student care and medical needs. (i.e., tube feeding, etc.)
- K. Fiscal and Human Resources staff are required to attend training and maintain current skills/knowledge pertinent to their work areas such as StateWide Integrated Financial Tools (SWIFT), Statewide Employee Management (SEMA4), Recruiting Solutions, and other financial/payroll/human resources systems.
- L. Other training is available to MSA staff but may only be required of certain individuals in specific areas. This training includes but is not limited to Lifeguard Training, Type III driving training, and Commercial Driver's License Training (bus driver training). Supervisors will determine specific training requirements for individual employees.
- M. All MSA employees and substitutes who work directly* with students (and contractors as assigned by the Director) must successfully complete an initial 12-hour course on Nonviolent Crisis Prevention Intervention (CPI) within the first year of employment. The 12-hour course will include training for appropriate completion of Incident/Physical Intervention Reports. After the initial training, all MSA employees, substitutes, and/or assigned contractors who work with students must maintain certification in CPI as provided by the Crisis Prevention Institute, Inc. This requires the successful completion of a 3-hour refresher class each year after the initial training.

**Direct care staff include: Special Teachers, Support Services, Special Education Program Assistants (SEPA's), Residential staff and Nursing staff.*

V. FUNDING

- A. Pursuant to Minnesota Statute 125A.71, Subdivision 1, a training and development account within the State treasury shall be created for the purpose of depositing rental income to be used for staff development purposes.
- B. Individual supervisors shall determine funds needed for their department for the purpose of training and staff development. This proposal shall be furnished to the Superintendent by May 1 of each year.
- C. The Superintendent shall approve or modify this recommendation and communicate the results of that decision to individual supervisors.
- D. All staff of the Academies are encouraged to seek out additional professional training and development opportunities outside of the above required training.

All administrators and supervisors are encouraged to seek out and communicate training and development opportunities to staff.

- E. Staff members wishing to attend training sessions shall communicate with their supervisor for approval and completion of the registration materials, along with the assistance of the Fiscal Services staff.
- F. Staff development training opportunities are provided by the State of Minnesota Enterprise Learning and Development (ELD); courses available and other information is available at this website: <https://mn.gov/mmb/etd/>. Staff will enroll for courses provided by ELD through their individual self-service page.
- G. Supervisors shall have the discretion to approve or deny training/development opportunities. If the training is approved, the application materials are processed as necessary. Out of state training requests require approval from the MSA superintendent.
- H. Supervisors shall maintain a record of all training which occurs within their department to be filed in official personnel files at the end of each fiscal year. Supervisors will prepare a written report to be submitted to the Superintendent at the end of each fiscal year.
- I. Required training records will be maintained by the Human Resources office staff; supervisors will turn in official sign-in sheets (sign-in sheet can be obtained from HR) collected from required training to the Human Resources office following each training session.
- J. Costs to keep in mind that may be covered by training and development funds are:
 - a. Registration fees.
 - b. Expenses incurred by the employee to participate in the training/development opportunity (meals, transportation, etc.).
 - c. Costs of substitutes necessary for the employee to participate.
 - d. Additional salary cost in cases when the employee is not scheduled to work.
 - e. Materials and supplies to provide training/development opportunity on campus.
 - f. Fees and travel expenses for trainers/presenters to present programs on campus.
 - g. Expenses for qualified interpreters and other accommodations.

Policy #: 446
Title: PAYROLL AND LEAVE & OVERTIME REQUESTS
Date of Initial Approval: 04-19-2016
Revision/Re-authorization Dates: 04/25/2019
Reviewers: MSA Superintendent; MSA Fiscal Services Office; MSA Human Resources Office

I. PURPOSE

The purpose of this policy is to ensure that payroll entries for Minnesota State Academies (MSA) employees are completed accurately, utilizing established codes and procedures.

II. GENERAL STATEMENT OF POLICY

- A. All MSA employees will complete their time and leave information using the State of Minnesota Employee Self Service System. Employees must make certain that time, leave earn codes, and comments are entered accurately based on hours worked, leave taken, other appropriate pay and leave accrued, and completed by the required deadline.
- B. Directors and supervisors will review their employees' time records for accuracy, appropriate payroll coding, comments, and take corrective actions as needed. This includes approving, validating and loading their payroll departments by the deadline established by the MSA fiscal services office.
- C. Each director/supervisor will maintain an appropriate timekeeping record system (example: Leave/Overtime requests, emails, or calendar attendance record) to monitor work hours, leave usage, and overtime approved or assigned.
- D. Employee requests for leave and overtime must be submitted and documented by directors/supervisors. Directors and supervisors will maintain leave request documentation for at least one month following leave usage.
- E. MSA payroll staff will process payroll in accordance with the procedures and schedules established by the Minnesota Management and Budget (MMB), make all necessary adjustments, and participate in quarterly payroll reviews.

III. DEFINITIONS

- A. **Employee Self Service** - MMB website containing employee time reporting, leave and pay stub information that is used by employees to enter time information and by supervisors to approve and validate employee time and leave entered.
- B. **Exempt Employee** - Position classifications designated by the Federal Fair Labor Standards Act (FLSA) to be professional and not subject to the overtime provisions of this law.
- C. **Non-exempt Employee** - Classifications that are eligible for overtime based on the FLSA definition.
- D. **Overtime** - Hours worked in excess of a non-exempt employee's normal work schedule that were preapproved or ordered and compensated in accordance with overtime provisions of the appropriate bargaining unit agreement. Special rules apply for exempt employee overtime.
- E. **Payroll Department** - Separate identification numbers for each area of supervision, assigned by agency Human Resources and Fiscal Services, with employees' records included.
- F. **Time Records** - Payroll timesheets or Self-Service Time Entry.

**See MSA Policy 410 – Family and Medical Leave for additional information/definitions regarding FMLA leave.*

IV. EMPLOYEE RESPONSIBILITIES

- A. Employees will submit requests for leave to their direct supervisor in advance of the need for the leave, using the MSA Leave Request Form. If leave is not foreseeable, employees must notify their supervisor as soon as possible, following established communication protocols for their respective departments. Failure to do so may result in disciplinary action.
- B. Employees who request paid leave must have a sufficient balance available on the date the paid leave is taken.
- C. Employees must submit requests for overtime to their direct supervisor and receive approval prior to performing the work. Only in unusual circumstances will overtime be approved after the fact. Employees must follow established communication protocols for their respective departments to request overtime. If overtime is assigned by supervisors (i.e. schedule changes, late meetings, additional hours of work), no requests are necessary.
- D. Employees will use the Employee Self Service System to prepare their time entry for each pay period, following established timelines. Employees who fail to adhere to required timelines and accuracy of their time entry may be subject to disciplinary action as appropriate.
- E. Time entry must be accurate for actual hours worked, leave taken, comments, and other pertinent information, using proper codes.
- F. Employees must complete time entry in advance of any planned absence spanning the end of a pay period.
- G. Employees must provide their supervisor with all pertinent back-up documents such as military orders, jury duty summons, or doctor's orders.
- H. Employees will make corrections to their time entry as needed. In the event supervisors have to make corrections for the employee, employees are responsible for signing the audit sheets that are sent out by payroll.

V. DIRECTOR/SUPERVISOR (APPROVERS) RESPONSIBILITIES

- A. Directors and supervisors will respond to requests for leave or overtime within 48 hours of the request. They will determine appropriate documentation systems to maintain records of employee leave and overtime hours.
- B. Directors and supervisors designated as primary approvers will review time records for their assigned payroll department. Time entry must be reviewed for accuracy by comparison with the Self Service Time Entry system, approved overtime requests, sub calendars and other appropriate documents or reports.
- C. Directors and supervisors will correct time entries as necessary by either notifying the employees to make the appropriate adjustments or making the adjustments themselves in the absence of the employee and following up with the employee. This should only be done as a last resort. Reasons for the changes must be noted as "comments" in time entry and reviewed with the employee when the employee signs the audit reports.
- D. After reviewing the time entry and resolving validation errors, directors/supervisors must revalidate, approve and load departments by the timelines established by Fiscal Services.

- E. When a planned absence prevents a director/supervisor from reviewing and approving employee time entry, a backup approver must be arranged to complete the process. By direction of MMB, the use of backup approvers should be limited.
- F. Back-up approvers will notify the primary approver and employee of any changes made during their review, including a comment in the time entry stating the reason for the change. Back-up approvers will also include a comment explaining why he/she, rather than the primary approver is approving the time records.
- G. Employees will not approve their own time entry.

VI. PAYROLL STAFF RESPONSIBILITIES

- A. Payroll staff will review all assigned payroll departments.
- B. Payroll staff will resolve time entry concerns with employees and supervisors and make appropriate adjustments. Retain pertinent documentation according to the records retention schedule.
- C. Payroll staff will complete current and prior period adjustments as needed.
- D. Payroll staff will notify employees and supervisors of any corrective actions needed or completed.
- E. Payroll staff will notify supervisor/Director of Fiscal Services of problems related to the agency payroll process.
- F. Payroll staff will review and print the Self Service Time Entry Audit Report HP 2460 and send to supervisors for their signature as well as their employees for any changes that are made.
- G. Payroll staff will print the following reports for the Director of Fiscal Services to review, correct, if needed, and approve.
 - a. Payroll Posting Audit Trail (HP2280)
 - b. Payroll Register Report (HP2062)
 - c. Business Expense Report (HP6745)
 - d. Invalid Chart Strings Report (HP6670)
 - e. FLSA Overtime Report (HP5005)
 - f. Business Expense Transfers Report (HP2380)

VII. FINANCE PAYROLL AUDITS

- A. Bi-weekly, designated MSA finance staff will audit employee self-service time entry and the supervisory approval process.
- B. The audit will include the following:
 - a. Adequacy of supervisor's approval process.
 - b. Appropriateness of earn codes for the pay circumstance.
 - c. Accuracy of employee time reporting.
 - d. Adequacy of documentation regarding adjustments.
 - e. Appropriate use of back-up approvers.
- C. Supervisors will actively participate in reviews of their payroll departments.
- D. Designated MSA finance staff will notify supervisors of problems found, corrective actions needed, and/or concerns.