

## **Policy Committee Meeting**

Monday, June 9, 2025 2:00 PM

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

**1. Call to Order**

**2. Meeting Minutes Review: None**

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

**4. Policies to Review for a Second Reading:**

4.A. 121 Communication, Language, and Accessibility

4.B. 417 Chemical Use and Abuse Policy

4.C. 418 Drug Free Workplace and Drug Free School

4.D. 419 Tobacco Free Environment

4.E. 425 Staff Development

4.F. 441 On Call Coverage

4.G. 442 Braille and Blind Awareness

4.H. 443 Staff ASL Proficiency

4.I. 515 Protection and Privacy of Pupil Records

4.J. 601 School Curriculum and Instructional Goals

4.K. 603 Curriculum Development

4.L. 606 Textbooks and Instructional Materials

4.M. 608 Instructional Services - Special Education

4.N. 741 Reimbursement of Activity Expenses

**5. Policies to Review Before Revision: None**

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

6.A. 452 Staff Use of Electronic Communication and  
Technology

6.B. 525 Violence Prevention

6.C. 616 School Accountability

**7. Policies to Review for Reauthorization**

7.A. 410 - FMLA

7.B. 413 - Harassment and Violence

7.C. 414 - Mandated Reporting of Child Neglect or  
Physical or Sexual Abuse

7.D. 415 - Mandated Reporting of Maltreatment of  
Vulnerable Adults

7.E. 506 - Student Discipline

7.F. 522 - Student Sex, Gender, Gender Identity  
Nondiscrimination

7.G. 806 Crisis Management

8. **2025-2026 Parent-Student Handbook**

9. **Adjourn**

Policy #: <b>121</b>
Title: <b>COMMUNICATION, LANGUAGE, AND ACCESSIBILITY</b>
Date of Initial Approval: 06-27-2019
Revision/Re-authorization Dates: 10-27-2021
Reviewers: MSA Superintendent; MSA Instructional Leadership Team

**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 vital 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, **including our students, parents/guardians, and family members.**
- 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 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 perspectives **and life experiences** into our programs. **This includes provision of language translations, interpreting services, adjustments to accessibility, and/or other support for parents/guardians and family members.**

#### **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/development, developing thinking processes, and increasing communicative and literacy competence.
- Creation of a **school** 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.
- 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 support 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 **school** 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.
- 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 support 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.

**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.

**Cross References:**

MSA Policy #442 – Braille and Blind Awareness

MSA Policy #443 – Staff ASL Proficiency

Policy #: <b>417</b>
Title: <b>CHEMICAL USE AND ABUSE</b>
Date of Initial Approval: 12-22-2015
Revision/Re-authorization Dates: 02-18-2016; 02-28-2019; 02-23-2022
Reviewers: MSA Human Resources Office; MSA Instructional Leadership Team

**I. PURPOSE**

The Minnesota State Academies (MSA) board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also create significant problems for society in general. The MSA board believes that MSA has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

**II. GENERAL STATEMENT OF POLICY**

- A. Use **or possession** of controlled substances, toxic substances, **cannabis**, and alcohol **before, during, or after school/work hours, at school, or in any other school location** is prohibited in ~~the school setting~~ in accordance with MSA policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. MSA will provide a **comprehensive and accessible** instructional program about chemical abuse and the prevention of chemical dependency on both campuses. This program shall include access to mental health and other community resources to support responses to individual needs and **provide activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.**
- ~~C. MSA shall establish and maintain a **drug-free awareness program for employees. to educate and assist employees, students, and others in understanding this policy and the goals of achieving drug-free schools and workplaces.**~~

*[Note: School districts are required to establish a drug-free awareness program for school district employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written districtwide school discipline policy must include procedures for detecting and addressing chemical abuse problems of a school while on the school premises. Further, school districts are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law.]*

**III. DEFINITIONS**

- A. **“Chemical Abuse”**, **as applied to students**, means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student’s normal function in academic, school, or social activities is chronically impaired.
- B. **“Controlled Substances”**, **as applied to the chemical abuse assessment of students**, means a drug, substance, or immediate precursor in Schedules 1 through V of MN Statute 152.02 and “marijuana” as define in MN Statute 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco. As otherwise defined in this policy, “controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other

controlled substances as defined in schedules I through V of the Controlled Substances Act, 21 USC, section 812, including analogues and look-alike drugs.

- ~~C. “Chemicals” includes but is not limited to alcohol, toxic substances, and controlled substances as defined in MSA’s Drug-Free Workplace/Drug-Free School policy (MSA Policy #418).~~
- ~~a. “Alcohol” includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.~~
  - ~~b. “Controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.~~
  - ~~c. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.~~
- D. **“Drug Prevention”** means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.
- ~~E. “Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.~~
- ~~F. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of MSA or otherwise engaged in MSA business.~~
- G. **“Teacher”** means all persons employed at MSA as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

#### IV. STUDENTS

##### A. MSA School Discipline Policy

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the MSA student discipline policy.

##### B. Programs and Activities Instruction

MSA shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement. The programs and activities should include drug prevention activities and evidence-based programs, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes.

~~Students at MSA shall participate in an instructional program about chemical abuse and the prevention of chemical dependency. MSA may involve parents, students, health care professionals, mental health staff, instructional staff, and members of the community in developing the curriculum. The curriculum shall have age- and development-appropriate activities that:~~

- ~~a. address the consequences of the use of illegal use of drugs, as appropriate;~~
- ~~b. promote a sense of individual responsibility;~~
- ~~c. teach students that most people do not illegally use drugs;~~
- ~~d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;~~
- ~~e. teach students about the dangers of emerging drugs;~~
- ~~f. engage students in the learning process;~~
- ~~g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools;~~
- ~~h. involve families, community partners (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs~~

~~MSA shall have drug and violence prevention activities on each campus that may include the following:~~

- ~~a. Community wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.~~
- ~~b. Conflict resolution programs, including peer mediation programs that educate and train peer mediators~~
- ~~c. Youth anti-crime and anti-drug councils and activities.~~
- ~~d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.~~
- ~~e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.~~

~~G. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance~~  
~~Chemical Use and Abuse~~

- a. Teachers at MSA who know or have reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify MSA administrators of this information.
- b. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals may be suspended and proposed for expulsion in compliance with

the student discipline policy and the Pupil Fair Dismissal Act (Minnesota statutes section 121A.40-121A.56.

- c. Searches by MSA administrators in connection with the use, possession, or transfer of alcohol or a controlled substance will be conducted in accordance with MSA policies related to search and seizure.
- d. Nothing in paragraph IV.C.a prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school-sponsored events.

**D. Consent**

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

*[Note: State law permits schools to provide these services to minor students without the consent of a parent. If, however, a school district provides this or other services pursuant to a grant received under the Student Support and Academic Enrichment Grants law, this funding could be jeopardized if the requirements of federal law to obtain prior written, informed consent from the parent of each child who is under 18 years of age is not obtained.]*

- ~~a. In the event that a MSA employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:~~
- ~~b. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.~~
- ~~c. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.~~
- ~~d. The administrator will notify law enforcement officials, and if appropriate, the student's counselor. Any investigations into possible criminal violations will be conducted by law enforcement officials.~~
- ~~e. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with MSA Policy #502— Search of Student Lockers, Dorm Rooms, Other Spaces, Desks, Personal Possessions, and Student's Person.~~
- ~~f. MSA will take appropriate disciplinary action in compliance with the student code of conduct. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.~~

~~If a MSA employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:~~

- ~~a. The employee shall notify an administrator and describe the basis for the suspicion. The administrator will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or meeting with the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.~~

- ~~b. The administrator/investigator may determine there is no chemical abuse. If there is evidence of chemical abuse, the administrator will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.~~
- ~~c. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals shall be suspended in compliance with the student code of conduct and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56. Law enforcement shall be contacted and requested to begin investigations into possible criminal violations.~~
- ~~d. Searches by school district officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.~~

## **V. MSA MENTAL HEALTH TEAM**

- A. MSA shall designate members of the MSA Mental Health Team to address reports of chemical abuse problems, make recommendations for appropriate responses, and coordinate support services with school nurses, chemical abuse treatment programs, or others.
- B. The team is responsible for providing information and educational activities to students to help prevent the abuse of chemicals.
- C. Within seven (7) days after receiving a report of chemical abuse, the team shall determine whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

## **VI. DATA PRACTICES**

- A. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section 13.32 and applicable federal law and regulations.
- B. Destruction of Records
  - a. If the MSA Mental Health team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
  - b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with **such** information **about school or community services in connection with chemical abuse**, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled at MSA.
  - c. ~~This section shall govern~~ Destruction of records **identifying individual students shall be governed by paragraph VI.B.b. (above)** notwithstanding ~~provisions of the~~

~~Records Management Act~~, Minnesota Statute section 138.163 (Preservation and Disposal of Public Records).

## VII. EMPLOYEES

MMB Policy Reference - MSA is a State agency and is part of the executive branch of government in Minnesota. MSA follows the MMB HR/LR Policy #1418 - Alcohol and Other Drug Use by State Employees and MSA Policy 418.1 – Prohibition of Alcohol and Drug Use by State Employees. The purpose of these policies is to assist MSA in its goal of preventing chemical use and abuse by providing education and intervention.

- A. Each campus shall disseminate drug and violence prevention information within the school and to the community.
- B. Each campus shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
- C. MSA shall notify federal granting agencies required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

### Legal References:

*Minn. Stat. § 13.32 (Educational Data)*  
*Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)*  
*Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)*  
*Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)*  
*Minn. Stat. § 124D.695 (Approved Recovery Program Funding)*  
*Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)*  
*Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)*  
*Minn. Stat. § 152.01 (Definitions)*  
*Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)*  
*Minn. Stat. § 152.22 (Definitions; Medical Cannabis)*  
*Minn. Stat. § 152.23 (Limitations; Medical Cannabis)*  
*Minn. Stat. § 299A.33 (DARE Program)*  
*Minn. Stat. § 466.07, subd 1 (Indemnification Required)*  
*Minn. Stat. § 609.101, subd 3(e) (Controlled Substance Offenses; Minimum Fines)*  
*20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)*  
*20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment)*  
*20 U.S.C. § 5812 (National Education Goals)*  
*20 U.S.C. § 7175 (Local Activities)*  
*41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)*  
*34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)*

### Cross References:

*MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)*  
*MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)*  
*MSA Policy 418.1 (Prohibition of Alcohol and Drug Use by State Employees)*  
*MMB HR/LR Policy 1418 (Prohibition of Alcohol and Drug Use by State Employees)*  
*MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)*  
*MSBA/MASA Model Policy 506 (Student Discipline)*  
*MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)*  
*MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)*

Policy #: <b>418</b>
<b>Title: DRUG-FREE WORKPLACE AND DRUG-FREE SCHOOL</b>
Date of Initial Approval: 08-23-2018
Revision/Re-authorization Dates: 08-21-2021
Reviewers: MSA Instructional Leadership Team; MSA Human Resources Office; MSA Superintendent

**I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment for employees and students at the Minnesota State Academies (MSA) by prohibiting the use of alcohol, toxic substances, medical cannabis, **nonintoxicating cannabinoids, edible cannabinoid products**, and controlled substances without a physician's prescription.

**II. GENERAL STATEMENT OF POLICY**

- A. Use or possession of **alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances** before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any MSA student, teacher, administrator, employee, board member, contractor, or member of the public uses or possesses **alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances** in any school location.
- C. **An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that MSA owns, leases, rents, contracts for, or controls.**
- D. MSA will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, employee, board member, contractor, or member of the public who violates this policy.

**III. DEFINITIONS**

- A. **“Alcohol”** includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.
- B. **“Controlled substances”** include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code, section 812, including analogues and look-alike drugs.

- C. **“Edible cannabinoid product”** means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- D. **“Nonintoxicating cannabinoid”** means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.
- E. **“Medical cannabis”** means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the Commissioner of the Minnesota Department of Health (“Commissioner”).
- F. **“Possess”** means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. **“School location”** includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- H. **“Sell”** means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- I. **“Toxic substances”** includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner.
- I. **“Use”** means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance which has a currently accepted medical use in treatment in the United States and/or

Minnesota and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.

- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories).
- C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another person in inducing intoxication, excitement, or stupefaction of the central nervous system, under the direction and supervision of a medical doctor.
- D. MSA may not refuse to enroll or otherwise penalize a patient or person enrolled in the Minnesota Patient Registry Program as a pupil solely because the patient or person is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

## V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, **except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products**, must comply with the school district's student medication policy. Students who have a prescription from a physician for medical treatment with a controlled substance must provide a copy of the prescription and the medication to the MSA Director of Health Services. The director of health services and/or school nurses will administer the prescribed medication in accordance with school district procedures (MSA Policy #516 – Student Medication).
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, **except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products**, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform their supervisor and the human resources department in advance of bringing the controlled substance/paraphernalia to campus. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that they have received the policy. Employees are subject to MSA's drug and alcohol testing policies and procedures. (MSA Policy 418.1)
- D. Members of the public are not permitted to possess controlled substances, **intoxicating cannabinoids, or edible cannabinoid products** in a school location except with the express permission of the superintendent.
- E. No person is permitted to possess or use **medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products** on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the

grounds of any childcare facility, unless prescribed for a student by a medical doctor and administered by licensed nursing personnel. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.

F. Possession, consumption, distribution, or sale of alcohol on any MSA properties is prohibited.

## **VI. SCHOOL PROGRAMS**

A. Starting in the 2026-2027 school year, MSA must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:

- a. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
- b. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

B. MSA efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.

C. Notwithstanding any law to the contrary, MSA shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. MSA must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

## **VII. ENFORCEMENT**

A. Students

- a. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.

- b. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service. which may be provided by school based mental health services providers; and/or referral to law enforcement officials when appropriate.
- c. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.

B. Employees

- a. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify their supervisor in writing of their conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- b. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate.
- c. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by MSA. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate.
- d. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and MSA policies.

C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

~~VIII. DISSEMINATION OF POLICY AND TRAINING~~

~~A. MSA shall ensure that this policy is reviewed by all employees on an annual basis.~~

~~B. This policy shall be reviewed for compliance with state law.~~

**Legal References:**

*Minn. Stat. § 120B.215 (Education on Cannabis Use and Substance Use)*  
*Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)*  
*Minn. Stat. § 121A.40-§ 121A.56 (Pupil Fair Dismissal Act)*  
*Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)*  
*Minn. Stat. § 152.01, Subd. 15a (Definitions)*  
*Minn. Stat. § 152.0264 (Cannabis Sale Crimes)*  
*Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis)*  
*Minn. Stat. § 152.23 (Limitations; Medical Cannabis)*  
*Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)*  
*Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)*  
*Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)*  
*Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)*  
*Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)*  
*Minn. Stat. § 342.56 (Limitations)*  
*Minn. Stat. § 609.684 (Abuse of Toxic Substances)*  
*Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)*  
*20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)*  
*21 U.S.C. § 812 (Schedules of Controlled Substances)*  
*41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)*  
*21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)*  
*34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)*

**Cross References:**

*MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)*  
*MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)*  
*MSBA/MASA Model Policy 417 (Chemical Use and Abuse)*  
*MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)*  
*MSBA/MASA Model Policy 506 (Student Discipline)*  
*MSBA/MASA Model Policy 516 (Student Medication)*

Policy #: <b>418.1</b>
<b>Title: PROHIBITION OF ALCOHOL AND DRUG USE BY STATE EMPLOYEES</b>
Date of Initial Approval: 03/18/1989
Revision/Re-authorization Dates: 01/20/2011; 01/24/2019; 09/29/2021
Reviewers: MSA Superintendent; MSA Human Resources Office

**I. PURPOSE**

The Minnesota State Academies (MSA) is a state agency and a school district. As part of our accountability and function as a government agency, employees of MSA are considered state employees, and thus required to follow policies set in place for all state employees. In regards to the prohibition of Alcohol and Drug Use, MSA desires to provide safe and effective services; protect the safety, health, and well-being of employees and others on our campuses; ensure that MSA employees perform their jobs efficiently, safely, and in a professional manner; and maintain an environment free from the illegal use of drugs and the use of alcohol. Towards this goal, the MSA board has determined that we will adhere to the Minnesota Management and Budget (MMB) HR/LR Policy #1418 – Prohibition of Alcohol and Drug Use by State Employees.

**II. GENERAL STATEMENT OF POLICY**

The state prohibits the unlawful manufacture, distribution, dispensation, possession, use, sale, trade, and/or offer for sale of alcohol or controlled substances in the workplace or while performing work for the state. This policy applies to all employees of MSA.

The MMB HR/LR Policy #1418 – Prohibition of Alcohol and Drug Use by State Employees can be found at [https://mn.gov/mmb/assets/1418DrugAndAlcoholPolicy2016\\_tcm1059-253325.pdf](https://mn.gov/mmb/assets/1418DrugAndAlcoholPolicy2016_tcm1059-253325.pdf).

MSA employees are directed to refer to this policy for guidance regarding the prohibition of alcohol and drug use.

Policy #: <b>419</b>
Title: <b>TOBACCO-FREE ENVIRONMENT</b>
Date of Initial Approval: 11-29-2012
Revision/Re-authorization Dates: 11-21-2013; 04-19-2018; 02-24-2021
Reviewers: MSA Human Resources; MSA Superintendent

**I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment at the Minnesota State Academies (MSA) that is tobacco-free.

**II. GENERAL STATEMENT OF POLICY**

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

**III. DEFINITIONS OF TOBACCO AND TOBACCO-RELATED DEVICES**

- A. **“Electronic delivery device”** means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices include but are not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug,

and Cosmetic Act, which are authorized for sale by the United States Food and Drug Administration.

- B. **“Heated tobacco product”** means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. **“Tobacco”** means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, which are authorized for sale by the United States Food and Drug Administration.
- D. **“Tobacco-related devices”** means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. **“Smoking”** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. **“Vaping”** means using an activated electronic delivery device or heated tobacco product.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when an American Indian adult lights tobacco on MSA property as a part of a traditional Indian spiritual or cultural ceremony. **An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.** An American Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. **Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or**

electronic delivery devices on school property or at off-campus events sponsored by MSA.

- C. An American Indian student or staff member may use tobacco, sage, sweetgrass, and cedar to conduct individual or group smudging at MSA. The process for conducting smudging is determined by the MSA administration. Smudging must be conducted under the direct supervision of an appropriate staff member, as determined by the MSA administration.

#### **V. VAPING PREVENTION INSTRUCTION**

- A. MSA must provide vaping prevention instruction at least once to students in grades 6 through 8 as required by law. MSA may also provide vaping prevention instruction to students in grades 9 through 12 in a manner selected by the principals.
- B. MSA may use instructional materials based on the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction should be provided as part of MSA's locally developed health standards.

#### **VI. ENFORCEMENT**

- A. All individuals on the MSA campuses shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to MSA discipline procedures. Student-Athletes and participants in other extracurricular activities are also subject to discipline procedures outlined in the MSHSL participation contract.
- C. MSA employees who violate this tobacco-free policy shall be subject to MSA discipline procedures.
- D. MSA action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota, and/or federal law, and MSA policies.
- E. Persons who violate this tobacco-free policy will be referred to the MSA administrators responsible for the area or program at which the violation occurred.
- F. MSA administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

#### **Legal References:**

*Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)*

*Minn. Stat. § 121A.08 (Smudging Permitted)*

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

*Minn. Stat. § 609.685 (Sale of Tobacco to Persons under Age 21)*

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

**Cross References:**

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

*MSBA/MASA Model Policy 506 (Student Discipline)*

Policy #: <b>425</b>
Title: <b>STAFF DEVELOPMENT</b>
Date of Initial Approval: 05-06-1999
Revision/Re-authorization Dates: 11-17-2016; 02-28-2019; 10-27-2021
Reviewers: MSA Human Resources Director; MSA Instructional Leadership Team

**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 training/conferences out of state must complete a report for the board explaining what was learned and how this training provided benefits for MSA.

**IV. REQUIRED TRAINING**

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 of that department:

1. MSA staff who are required to maintain student information systems are required to attend and remain up to date on student information systems training.
2. 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).
3. 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)
4. MSAB/MSAD teachers, **student support staff**, and paraprofessionals 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.
5. 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).
6. MSAD Residential Staff are required to obtain and maintain Infant-Child-Adult CPR, AED, and First Aid certification.
7. 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.
8. 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.
9. 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.)
10. 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.
11. 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.

12. 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 Teachers, Support Services, Paraprofessionals, and Student Life 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 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 **complete the required professional development request forms after communicating** with their supervisor for approval. **After obtaining approval of their professional development request, they are responsible for completion of all forms and registration. 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 **based on departmental needs, the content and relevance of the training, and other school needs. If the training is approved, the application**

- ~~materials are processed as necessary.~~ Out-of-state training requests require approval from the MSA superintendent ~~and the MSA Board.~~
- H. ~~The designated supervisor in charge of professional development Supervisors~~ shall maintain a record of all training which occurs within ~~each their~~ department to be filed in official personnel files at the end of each fiscal year. ~~Supervisors will prepare~~ A written report of all professional development opportunities must be submitted to the Superintendent at the end of each fiscal year.
- I. ~~Records of required training (i.e., CPR, CPI, Type III driving, etc.) Required training records~~ will be maintained by the Human Resources office. Supervisors ~~and/or trainers are responsible for~~ official sign-in sheets (a sample 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:
1. Registration fees.
  2. Expenses incurred by the employee to participate in the training/development opportunity (meals, transportation, etc.).
  3. Costs of substitutes necessary for the employee to participate.
  4. Additional salary cost in cases when the employee is not scheduled to work.
  5. Materials and supplies to provide training/development opportunity on campus.
  6. Fees and travel expenses for trainers/presenters to present programs on campus.
  7. Expenses for qualified interpreters and other accommodations.

Policy #: <b>441</b>
Title: <b>ON-CALL COVERAGE</b>
Date of Initial Approval: 05-31-2001
Revision/Re-authorization Dates: 11-21-2013; 05-19-2016; 04-25-2019; 04-26-2022
Reviewers: MSA Superintendent; MSA On-Call Supervisors

**I. PURPOSE**

The purpose of this policy is to allow staff members at the Minnesota State Academies (MSA) to access a supervisor at any hour of the day or night **when students are on campus**. The challenges of operating a statewide agency with a residential component require 24-hour accessibility to supervisors. Emergencies, whether student-related, weather-related, or facilities-related require immediate action and attention. (See Appendix A for appropriate uses of the on-call system.) This on-call policy will address these needs. If there is an emergency or if the support of a supervisor is needed, the on-call number may be used to reach the on-call supervisor.

**II. GENERAL PROCEDURES**

- A. The on-call phone number will be listed in the “Guide to Emergency Procedures” booklet posted in all areas. Supervisors responsible for the on-call system will include select administrators assigned by the superintendent ~~and the director of health services~~. A schedule will be developed and shared with all supervisors at the beginning of each school year.
- B. Administrators who serve as on-call supervisors will have access to MSA’s on-call phone, informational packets, and master keys necessary to handle situations on campus. They will also have access to student information systems and resources necessary to respond to parents, emergency responders, and other staff members.
- C. Administrators will receive training/updates at the beginning of each school year to ensure consistency in our responses. The superintendent is responsible for establishing training content and dates in August of each school year.

**III. ON-CALL SUPERVISOR RESPONSIBILITIES**

- A. The on-call supervisor has responsibility for the overall operation of the agency and for making decisions ordinarily made by supervisors (or in some situations, by the superintendent).
- B. The on-call supervisor manages responses to situations that require assistance of an administrator (situations beyond the capabilities of on-site staff members). If the situation warrants it, it may mean the physical presence of the on-call supervisor on campus or contacting another supervisor to be on campus to manage the situation.
- C. The on-call supervisor is the first point of contact for staff with questions or concerns when the direct supervisor is off duty or not on-campus (usually during non-working hours). If the on-call supervisor needs additional support

in making a decision, the on-call supervisor contacts the appropriate supervisor for assistance. The superintendent will be made aware if a major incident occurs, i.e., when the police are called, when a student needs to be transported to the hospital, etc.

- D. During weather emergencies, the on-call supervisor will determine school closings in the absence of the superintendent.

On student return days:

- i. Staff members who receive information from parents or schools regarding weather-related absences will contact the on-call supervisor if it is necessary to make staffing changes.
- ii. The on-call supervisor will contact dormitory staff/supervisors with cancellation information, transportation plans, and updated arrival times.
- iii. The on-call supervisor will contact MSAB/MSAD kitchens and health clinics with student numbers.

#### **IV. STAFF RESPONSIBILITIES**

Staff members have the responsibility to contact the on-call supervisor when supervisory support is necessary. Staff members are expected to follow all instructions given by the on-call supervisor. The on-call supervisor will communicate with the staff member's usual supervisor if overtime hours are required or if assignments changed.

See Appendix A for guidance regarding possible situations that require an on-call contact.

Policy #: <b>442</b>
Title: <b>BRILLE COMPETENCY/BLIND AWARENESS TRAINING</b>
Date of Initial Approval: 04-08-2003
Revision/Re-authorization Dates: 09-04-2011; 11-21-2013; 01-24-2019
Reviewers: MSA Superintendent; MSA Department Supervisors

**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/VI) 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. **Certain employees identified by the MSA administration** 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/BACKGROUND**

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 FOR BRAILLE

- A. All classroom teachers on the MSAB campus must possess licensure in the area of blind/visually-impaired which presumes proficiency in **knowledge and 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 the **required** braille skills and blind awareness **as appropriate** for their position.
- C. Options to demonstrate braille competency are:
  - 1. 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)
  - 2. Successful completion of the beginning uncontracted and contracted braille course offered by the Hadley Institute distance education program
  - 3. Demonstrate a passing score on the National Braille Competency Test offered by the National Library Service
  - 4. Other options must be pre-approved by the MSAB Director or the Human Resources Office.
- D. MSA has established braille skills standards for each position at the Academies. If positions are added the superintendent, along with the Human Resources Director 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.
- E. 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.
  - 1. The amount of contact a person in the position has with blind/visually impaired/deafblind individuals (students, staff, and/or parents/family members).
  - 2. 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.)
- F. 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 begin taking** coursework before the end of the first year of employment.

- G. 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:
1. **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.
  2. **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. Understands the difference between contracted and uncontracted Braille. Able to read (tactilely or visually) braille with support.

*[Note: See Appendix 442A for specific expectations for each position]*

- H. All new employees will be provided with a copy of this policy at the time of hiring 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 may 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. **STANDARDS AND REQUIREMENTS FOR BLIND AWARENESS TRAINING**

- A. Options to demonstrate competency in blind awareness are:
1. Successful completion of college course(s) in B/VI instruction and methodology
  2. Successful completion of the Blindness Basics course offered by the Hadley Institute distance education program
  3. Successful completion of relevant courses approved by the MSAB Director or the Human Resources Office
  4. Successful completion of **classes** offered at the MSAB campus on braille and blind awareness (12-hour seminar)
  5. Other options must be pre-approved by the MSAB Director or the Human Resources Office.
- B. New Employee Training  
All new employees who have contact with blind, visually impaired, or

deafblind students as a part of their job assignment are **required to attend at least will be provided with** 12 hours of **Braille and** Blind Awareness Training **during 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:

1. Appropriate knowledge of braille (a minimum of 2 hours)
2. Etiquette and cultural norms
3. Technology and assistive technology
4. Orientation and Mobility
5. Social skills protocol
6. Tactile/Pro-Tactile Communication for deafblind individuals
7. Daily living skills
8. Expanded Core Curriculum for blind/visually impaired students
9. Discrimination/discriminatory practices that blind individuals may face in their lives.

C. 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, and deafblind children and/or to learn about new developments in the area of B/VI education. **The MSAB director is responsible for the provision of those sessions along with support from the Director of Curriculum and Educational Programs.**

**VI. REASONABLE ACCOMMODATIONS**

- A. **Employees** 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 **employee'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 **employee'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 #: <b>443</b>
Title: <b>STAFF AMERICAN SIGN LANGUAGE (ASL) PROFICIENCY</b>
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 MSA maintains a staff with sufficient proficiency in ASL to support our students' language, communication, and academic development. A consistent and fair process of determining ASL skills is necessary to determine the ASL proficiency of staff.

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 several 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. 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 will strive to provide ASL classes and provide time during the employee's workday, 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 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. BACKGROUND INFORMATION

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 **or revised**, 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. The 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. 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)

~~Employees are responsible for their own language development and must attain the ASL skills required for their position within a reasonable amount of time. MSA recognizes that the time necessary to learn a new language will vary with each individual. Employees who have yet to achieve the required ASL level for their position will be required to develop and submit a professional development plan for improvement of their ASL skills each year. Each new employee will have a designated timeline to achieve the ASL skills required for their position. Timelines for achieving certain levels of skill are listed below:~~

<del>Skill Levels</del>	<del>From Date of Hire</del>
<del>Survival/Survival Plus</del>	<del>2 years</del>

~~Intermediate/Intermediate Plus — 3 years~~  
~~Advanced/Advanced Plus — 4 years~~

- D. All new employees will be provided with a copy of this policy and information about the SLPI at the time of hire. Supervisors will review the SLPI requirements and document skill levels as part of the employee's annual performance evaluation.

~~Employees who have not achieved the required standard for their position will be interviewed and rated annually until they have achieved the required levels. Afterwards, they will be re-evaluated every 3 years to ensure maintenance of their ASL skills, except for those employees who have achieved an "Advanced Plus" rating or higher. 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~~ may be dismissed from their positions. ~~If desired, employees may request an exception in writing to the superintendent. However, employees who do not successfully achieve the 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. ~~Employees~~ who have disabling conditions which warrant reasonable accommodations may request reasonable accommodations and/or exceptions to this ~~MSA Staff Sign Language Communication Skills P~~ policy.
- B. Requests for reasonable accommodations must be made in writing to the ~~employee's~~ immediate supervisor and the human resources director, and must be made within 6 months of the date of hire or the date that the accommodations become necessary.
- C. The ~~employee's~~ immediate supervisor, human resources director, 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 bargaining contract or compensation plan~~.

**Appendices:**

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

**Related Procedure:**

*Procedure 4100 – Sign Language Proficiency Interview Procedures*

Policy #: <b>515</b>
Title: <b>PROTECTION AND PRIVACY OF PUPIL RECORDS</b>
Date of Initial Approval: 01-24-2013
Revision/Re-authorization Dates: 01-23-2014; 06-12-2018; 04-21-2021
Reviewers: MSA Superintendent; MSA Director of Student Support Services; MSA Human Resources Office

**I. PURPOSE**

The Minnesota State Academies (MSA) recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

**II. GENERAL STATEMENT OF POLICY**

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the Minnesota State Academies, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

**III. DEFINITIONS**

**A. Authorized Representative:**

“Authorized representative” means any entity or individual designated by MSA, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

**B. Biometric Record:**

“Biometric record,” as referred to in “Personally Identifiable,” means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).

**C. Dates of Attendance:**

“Dates of attendance,” as referred to in “Directory Information” means the period of time during which a student attends or attended a school or schools at MSA, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student’s attendance at a school or schools of MSA.

**D. Directory Information:**

“Directory information” is defined in FERPA and state law to mean information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student’s name, address, telephone number, e-mail address, Date and place of birth, photograph, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student’s parent(s).

Directory information does not include:

1. a student’s social security number;
2. a student’s identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records;
3. personally identifiable data which references religion, race, color, social position, or nationality; or
4. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student’s parent or guardian.

*Please refer to Section VII, Subsection A (page 13 of this policy) for MSA’s designation of directory information.*

**E. Education Records:**

“Education records” means those records which: (1) are directly related to a student; and (2) are maintained by MSA or by a party acting for MSA.

The term, “education records,” does not include:

1. Records of instructional, supervisory, and administrative personnel which:
  - a. are in the sole possession of the maker of the record; and
  - b. are not accessible or revealed to any other individual except a substitute teacher; and
  - c. are destroyed at the end of the school year.
2. Records of a law enforcement unit of MSA, provided education records maintained by MSA are not disclosed to the unit, and the law enforcement records are:
  - a. maintained separately from education records;
  - b. maintained solely for law enforcement purposes; and
  - c. disclosed only to law enforcement officials of the same jurisdiction.

3. Records relating to an individual, including a student, who is employed by MSA which:
  - a. are made and maintained in the normal course of business;
  - b. relate exclusively to the individual in that individual's capacity as an employee; and
  - c. are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at MSA who is employed as a result of their status as a student.

1. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
  - a. made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity or assisting in that capacity;
  - b. made, maintained, or used only in connection with the provision of treatment to the student; and
  - c. disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within MSA.
2. Records that only contain information about an individual after they are no longer a student at MSA and that are not directly related to the individual's attendance as a student.

F. Eligible Student:

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

G. Juvenile Justice System:

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

H. Legitimate Educational Interest:

"Legitimate educational interest" includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:

1. Perform an administrative task required in the school or employee's contract or position description approved by the MSA Board;
2. Perform a supervisory or instructional task directly related to the student's education;

3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid; or
4. Perform a task directly related to responding to a request for data.

I. Parent:

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. MSA may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

J. Personally Identifiable:

"Personally identifiable" means that the data or information includes, but is not limited to:

1. a student's name;
2. the name of the student's parent or other family member;
3. the address of the student or student's family;
4. a personal identifier such as the student's social security number or student number or biometric record;
5. other direct identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. information requested by a person who MSA reasonably believes knows the identity of the student to whom the education record relates.

K. Record:

"Record" means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

1. "Private records" in this policy are the same as "educational records" and are classified as private data on individuals by state law.
2. "Public records" in this policy are the same as "directory information" which can be released subject to the limitations in this policy.

L. Responsible Authority:

"Responsible authority" means the superintendent or the superintendent's designee.

M. Student:

“Student” includes any individual who is or has been in attendance, enrolled, or registered at MSA and regarding whom MSA maintains education records. “Student” also includes applicants for enrollment or registration at MSA and individuals who receive part time educational services from MSA.

N. School Official:

“School official” includes:

1. a person duly appointed to the MSA board;
2. a person employed by the MSA board in an administrative, supervisory, instructional, or other professional position;
3. a person employed by the MSA board as a temporary substitute in a professional position for the period of their performance as a substitute; and
4. a person employed by, or under contract to MSA to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of their performance as an employee or contractor.

O. Summary Data:

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

P. Other Terms and Phrases:

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

**IV. GENERAL CLASSIFICATION**

State law provides that all data collected, created, received, or maintained by MSA are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by MSA which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

**V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students:

Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that

such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;

4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by MSA to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI of this policy.

**B. Eligible Students**

All rights and protections given to parents under this policy transfer to the student when they reach eighteen (18) years of age or enroll in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

**C. Disabled Students**

MSA shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

**A. Consent Required for Disclosure**

1. MSA shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, MSA shall provide them with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, MSA shall provide the student with a copy of the records disclosed.

4. A signed and dated written consent may include a record and signature in electronic form that:
    - a. identifies and authenticates a particular person as the source of the electronic consent; and
    - b. indicates such person's approval of the information contained in the electronic consent.
  5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
    - a. in plain language;
    - b. dated;
    - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
    - d. specific as to the nature of the information the subject is authorizing to be disclosed;
    - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
    - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
    - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by MSA that are subject to third party reimbursement.
- B. Eligible Student Consent:  
Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.
- C. Prior Consent for Disclosure Not Required  
The Minnesota State Academies may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:
1. To other school officials, including teachers, within MSA whom MSA determines have a legitimate educational interest in such records;

2. To a contractor, consultant, volunteer, or other party to whom MSA has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which MSA would otherwise use employees;
  - b. is under the direct control of MSA with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, MSA will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or their representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

**“Financial aid”** for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to MSA that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, MSA shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and MSA enters into a written agreement with the organization that:
  - (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
  - (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
  - (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
  - (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of MSA to whom information is disclosed violates this provision, MSA may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that MSA makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If MSA initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for MSA to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against MSA, MSA may disclose to the court, without a court order or subpoena, the student's education records that are relevant for MSA to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In deciding whether to disclose information under this section, MSA may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and

school officials within MSA and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information MSA has designated as “directory information” pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student themselves;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student’s full name, home address, telephone number, date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’ names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the

student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;
20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify

other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action; or

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 450b of Title 25), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in

addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

D. Nonpublic School Students

MSA may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

VII. **RELEASE OF DIRECTORY INFORMATION**

A. MSA Directory Information

The MSA Board has designated the following as directory information:

- Student's name
- ~~Resident school district~~, hometown, ~~and state~~
- School/Team photographs
- ~~Enrollment Period~~
- Grade Level
- Participation in officially recognized activities and sports.
- Degrees, Honors, and Awards received.
- Parents Names
- ~~Parents Addresses~~
- ~~Parents' Telephone numbers~~

B. Classification

Directory information is public except as provided herein.

C. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, MSA may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an "education record," MSA may release records that only contain information about an individual obtained

after they are no longer a student at MSA and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of MSA).

**D. Present Students and Parents**

MSA may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure MSA shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that MSA has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let MSA designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify MSA in writing that they do not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform MSA in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent MSA from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
  - b. prevent MSA from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by MSA as directory information.
4. MSA shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

**E. Procedure for Obtaining Nondisclosure of Directory Information**

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;

2. Home address;
3. School presently attended by student;
4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

F. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

**VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. MSA may not disclose private records or their contents except as summary data, or except as provided in Section VI of this policy, without the prior written consent of the parent or the eligible student. MSA will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

In certain cases, state law intends, and clearly provides, that certain information contained in the education records of MSA pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:

1. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
2. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
3. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;

4. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
5. whether the data concerns medical, dental, or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parents or any information contained therein.

**IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by MSA. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

Data collected by MSA as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. MSA may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if MSA determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.

2. A complainant has access to a statement he or she provided to MSA.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by MSA, or by the chief attorney for MSA, not to pursue the civil legal action. However, such investigation may subsequently become active if MSA or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

**D. Chemical Abuse Records**

To the extent MSA maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

**X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING**

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by MSA may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, *et seq.*

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS**

A. MSA will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request

- unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the Director of Student Support Services in writing by *September 1<sup>st</sup>* of each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, MSA will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect MSA's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII of this policy also must be followed. Accordingly, to the extent MSA has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## XII. LIMITS ON REDISCLOSURE

### A. Redisclosure

Consistent with the requirements herein, MSA may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

### B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent MSA from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of MSA provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. MSA has complied with the record-keeping requirements of Section XIII of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, MSA must provide the notification required in Section XII.D of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

***[Note: 42 U.S.C. § 14071 was repealed. However, as it remains a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]***

### C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of MSA.

### D. Notification

MSA shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of

MSA improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, MSA may not allow that third party access to personally identifiable information from education records for at least five (5) years.

**XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING**

**A. Responsible Authority**

The MSA superintendent shall be responsible for the maintenance and security of student records.

**B. Record Security**

The Director of Student Support Services, subject to the supervision and control of the responsible authority, shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records, including a written plan which contains the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

**C. Review of Written Plan for Securing Student Records**

The superintendent and the Director of Student Support Services shall jointly review the written plans submitted pursuant to Paragraph B. of this section for compliance with the law, this policy, and the various administrative policies of MSA.

**D. Record Keeping**

1. The Director of Student Support Services shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4 of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event MSA discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:

- a. the names of the additional parties to which the receiving party may disclose the information on behalf of MSA;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom MSA disclosed information from an education record. MSA shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1 does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1 of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or their assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of MSA.
5. MSA shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom MSA disclosed the information.
  - c. The record of requests and disclosures shall be maintained with the education records of the student as long as MSA maintains the student's education records.

**XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

**A. Parent of a Student, an Eligible Student, or the Parent of an Eligible Student Who is Also a Dependent Student**

MSA shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in MSA to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII of this policy.

**B. Response to Request for Access**

MSA shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

**C. Right to Inspect and Review**

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from MSA to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, MSA shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

**D. Form of Request**

Parents or eligible students shall submit to MSA a written request to inspect education records which identify as precisely as possible the record or records they wish to inspect.

**E. Collection of Student Records**

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, MSA shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

**F. Records Containing Information on More Than One Student**

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

MSA may presume that either parent of the student has authority to inspect or review the education records of a student unless MSA has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. MSA shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, MSA shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by MSA in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine-based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

**XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that MSA amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes MSA to make. The request shall be signed and dated by the requestor.

2. MSA shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If MSA decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

**B. Right to a Hearing**

If MSA refuses to amend the education records of a student, MSA, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, MSA decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, MSA decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of MSA, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
4. be maintained by MSA as part of the education records of the student so long as the record or contested portion thereof is maintained by MSA; and
5. if the education records of the student or the contested portion thereof are disclosed by MSA to any party, the explanation shall also be disclosed to that party.

**C. Conduct of Hearing**

1. The hearing shall be held within a reasonable period of time after MSA has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of MSA who does not have a direct interest in the outcome of the hearing. MSA's representative from the Attorney General's office shall

be in attendance to present the MSA board's position and advise the designated hearing officer on legal and evidentiary matters.

3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
4. MSA shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

**D. Appeal**

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minn. Stat. Ch. 14 relating to contested cases.

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. The data practices compliance official at MSA is the Human Resources Director.
- C. Any request by an individual with a disability for reasonable modifications of MSA's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

**A. Where to File Complaints**

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

**B. Content of Complaint**

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

**XVIII. WAIVER**

A parent or eligible student may waive any of their rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. MSA may not require such a waiver.

**XIX. ANNUAL NOTIFICATION OF RIGHTS**

**A. Contents of Notice**

MSA shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by MSA to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom MSA has determined to have legitimate educational interests; and
6. That MSA forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

**B. Notification to Parents of Students Having a Primary Home Language Other Than English**

MSA shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

**C. Notification to Parents or Eligible Students Who are Disabled**

MSA shall provide for the need to effectively notify parents or eligible students identified as disabled.

**XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by MSA shall be controlled by state and federal law.

**XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

**Legal References:**

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*  
*Minn. Stat. Ch. 14 (Administrative Procedures Act)*  
*Minn. Stat. § 120A.22 (Compulsory Instruction)*  
*Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)*  
*Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)*  
*Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)*  
*Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)*  
*Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)*  
*Minn. Stat. § 363A.42 (Public Records; Accessibility)*  
*Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)*  
*Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)*  
*10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)*  
*18 U.S.C. § 2331 (Definitions)*  
*18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)*  
*20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act)*  
*20 U.S.C. § 6301 et seq. (No Child Left Behind)*  
*20 U.S.C. § 7908 (Armed Forces Recruiting Information)*  
*26 U.S.C. §§ 151 and 152 (Internal Revenue Code)*  
*34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)*  
*34 C.F.R. § 300.610-300.627 (Confidentiality of Information)*  
*42 C.F.R. § 2.1 et seq. (Confidentiality of Drug Abuse Patient Records)*  
*Gonzaga University v. Doe, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)*

**Cross References:**

*MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)*  
*MSBA/MASA Model Policy 417 (Chemical Use and Abuse)*  
*MSBA/MASA Model Policy 506 (Student Discipline)*  
*MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)*  
*MSBA/MASA Model Policy 520 (Student Surveys)*  
*MSBA/MASA Model Policy 711 (Video Recording on School Buses)*  
*MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)*  
*MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records – Privacy – Access to Data)*

Policy #: <b>601</b>
<b>Title: SCHOOL CURRICULUM AND INSTRUCTIONAL GOALS</b>
Date of Initial Approval: 02-18-2016
Revision/Re-authorization Dates: 06-27-2019; 09-29-2021
Reviewers: MSAB/MSAD Directors; MSA Director of Student Support Services

**I. PURPOSE**

The purpose of this policy is to establish broad curriculum parameters for the Minnesota State Academies (MSA) that encompass the Minnesota Graduation Standards and are aligned with **comprehensive achievement and civic readiness. creating the world's best workforce.**

**II. GENERAL STATEMENT OF POLICY**

The policy of MSA is to **strive for comprehensive achievement and civic readiness in establish the "world's best workforce" towards** which all learning at MSA should be directed and for which all MSA learners should be held accountable.

**III. DEFINITIONS**

- A. **"Academic standard"** means a summary description of student learning in a required content area or elective content area. Generally, MSA follows standards established by the Minnesota Department of Education, with accommodations and modifications as appropriate for each academy. For MSA-specific courses or uniquely designed programs that do not have standards established by the MDE, MSA establishes standards expected for each course or program that are included within the curriculum approved by the MSA Board.
- B. **"Benchmark"** means specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.
- C. **"Comprehensive Achievement and Civic Readiness"** means striving to meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; have all students graduate from high school; and prepare students to be lifelong learners.
- D. **"Curriculum"** means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, skills, and career and college readiness.
- E. **"Experiential Learning"** means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.
- F. **"Instruction"** means methods of providing learning experiences that enable students to meet state and district academic standards and graduation requirements.
- G. **"Performance measures"** are measures to determine school district and school site progress in striving for **comprehensive achievement and civic readiness to create the world's best workforce** and must include at least the following:

- ~~1. student performance on the National Assessment of Educational Progress if applicable;~~
- a. the size of the academic achievement gap; rigorous course taking, including college-level advanced placement, international baccalaureate, postsecondary enrollment options including concurrent enrollment, other ~~rigorous statutorily recognized~~ courses of study or industry certification courses or programs and enrichment experiences by student subgroup;
- b. student performance on the Minnesota Comprehensive Assessments;
- c. student performance on district assessments (i.e., NWEA Measures of Academic Performance)
- d. high school graduation rates; and
- e. career and college readiness under *Minn. Stat. § 120B.30, Subd. 1.*

~~H. "World's best workforce" means striving to:~~

- ~~1. meet school readiness goals;~~
- ~~2. have all third-grade students achieve grade-level literacy;~~
- ~~3. close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty;~~
- ~~4. have all students attain career and college readiness before graduating from high school; and~~
- ~~5. have all students graduate from high school.~~

#### IV. LONG-TERM STRATEGIC PLAN

- A. The MSA board, at a public meeting, shall adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned ~~with striving for comprehensive achievement and civic readiness creating the world's best workforce.~~ Components of this plan shall be developed by the MSA school accountability committee (MSA Policy #616) and include the following:
- a. clearly defined curriculum goals ~~and benchmarks for instruction and student achievement for all student categories identified in Minnesota statutes, section 120B.35, subdivision 3, paragraph (b)(2);~~
  - b. a process for assessing and evaluating each student's progress toward meeting state and local academic standards, ~~consistent with Minnesota statutes, section 120B.15,~~ and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness ~~and leading to the world's best workforce;~~
  - c. a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, and student outcomes;
  - d. strategies for improving instruction, curriculum, language development, and student achievement;

- e. education effectiveness practices that integrate high-quality instruction, rigorous curriculum, technology, and a collaborative professional culture that develops and supports teacher quality, performance, and effectiveness; and;
  - f. annual budgets for continuing to implement the plan.
- B. All students at MSA will be required to demonstrate essential skills to effectively participate in lifelong learning. These skills include the following:
- a. reading, writing, speaking, listening, or communicating, (including bilingual language development in English and ASL at MSAD, and supporting Braille Literacy with Blind, Visually Impaired, and DeafBlind students) **with the goal of having every child read at grade level, beginning in kindergarten.**
  - b. mathematical and scientific concepts;
  - c. locating, organizing, communicating, and evaluating information and developing methods of inquiry (i.e., problem solving);
  - d. creative and critical thinking, decision making, and study skills;
  - e. work readiness skills;
  - f. global and cultural understanding.

Since all students at MSA receive special education services, MSA must ensure that all students receive support in achieving their individualized reading goals.

- ~~1. Each student will have the opportunity and will be expected to develop and apply essential knowledge that enables that student to:
  - ~~a. live as a responsible, productive citizen and consumer within local, state, national, and global political, social, and economic systems;~~
  - ~~b. bring many perspectives, including historical, to contemporary issues;~~
  - ~~c. develop an appreciation and respect for democratic institutions;~~
  - ~~d. communicate and relate effectively in languages and with cultures other than the student's own;~~
  - ~~e. practice stewardship of the land, natural resources, and environment;~~
  - ~~f. use a variety of tools and technology to gather and use information, enhance learning, solve problems, and increase human productivity.~~~~
- ~~2. Students will have the opportunity to develop creativity and self-expression through visual and verbal images, music, literature, world languages, movement, and the performing arts.~~
- ~~3. School practices and instruction will be directed toward developing within each student a positive self-image and a sense of personal responsibility for:
  - ~~a. establishing and achieving personal and career goals;~~
  - ~~b. adapting to change;~~
  - ~~c. leading a healthy and fulfilling life, both physically and mentally;~~
  - ~~d. living a life that will contribute to the well-being of society;~~
  - ~~e. becoming a self-directed learner;~~
  - ~~f. exercising ethical behavior.~~~~
- ~~4. Students will be given the opportunity to acquire human relations skills necessary to:
  - ~~a. appreciate, understand, and accept human diversity and interdependence;~~~~

- ~~b. address human problems through team effort;~~
- ~~c. resolve conflicts with and among others;~~
- ~~d. function constructively within a family unit;~~
- ~~e. promote a multicultural, gender fair, disability sensitive society.~~

**Legal References:**

*Minn. Stat. § 120B.018 (Definitions)*  
*Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)*  
*Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement Goals; Striving for Comprehensive Achievement and Civic Readiness)*  
*Minn. Stat. § 120B.12 (Read Act Goal and Interventions)*  
*Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)*  
*Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)*  
*Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)*  
*Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)*  
*Minn. Stat. § 123B.147, Subd. 3 (Principals)*  
*Minn. Stat. § 125A.56, Subd. 1 (Alternate Instruction Required before Assessment Referral)*  
*20 U.S.C. § 5801, et seq. (National Education Goals)*  
*20 U.S.C. § 6301, et seq. (Every Student Succeeds Act)*

**Cross References:**

*MSBA/MASA Model Policy 104 (School District Mission Statement)*  
*MSBA/MASA Model Policy 613 (Graduation Requirements)*  
*MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)*  
*MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)*  
*MSBA/MASA Model Policy 616 (School District System Accountability)*  
*MSBA/MASA Model Policy 618 (Assessment of Student Achievement)*

Policy #: <b>603</b>
Title: <b>CURRICULUM DEVELOPMENT</b>
Date of Initial Approval: 02-18-2016
Revision/Re-authorization Dates:06-27-2019; 02-23-2022
Reviewers: MSA Instructional Leadership Team

**I. PURPOSE**

The purpose of this policy is to provide direction for continuous review and improvement of the school curriculum at the Minnesota State Academies (MSA).

**II. GENERAL STATEMENT OF POLICY**

Curriculum development shall be directed toward the fulfillment of the goals and objectives of the educational programs at MSA.

**III. RESPONSIBILITY**

- A. The school accountability committee shall be responsible for curriculum development and for determining the most effective way of conducting research on MSA's curriculum needs and establishing a long range curriculum development program. Timelines shall be determined by **the MSA Instructional Leadership Team** that will provide for periodic reviews of each curriculum area.
  
- B. For new curriculums, courses, and/or programs, including virtual/online options, the MSA directors shall establish an advisory committee to provide advice and input into selection of new curriculums. The advisory committee membership shall, to the extent possible, include parents/caregivers, teachers, support staff, students, and/or administration representation that reflect the diversity of MSA.
  
- C. Within the ongoing process of curriculum development, the following needs shall be addressed:
  - a. Achievement of state standards established for each subject area/grade level
  - b. Provide for articulation of courses of study from early childhood through grade twelve/transition programs (i.e. Life Skills, Academy Plus)
  - c. Identify minimum objectives for each course and at each elementary grade level.
  - d. Ensure progress of students towards meeting their IEP goals and objectives
  - e. Provide for continuing evaluation of programs for the purpose of attaining school district objectives.
  - f. Provide a program for ongoing monitoring of student progress.

- g. Provide for additional resources, adaptations, and/or supplemental materials to support specific needs of all members of the student community.
  - h. Integrate required and elective course standards in the scope and sequence of the MSA curriculum.
  - i. Meet all applicable requirements of the Minnesota Department of Education and the Every Student Succeeds Act (ESSA) ~~and goals established within MSA's World's Best Work Force plan.~~
- D. The superintendent, **with the support and recommendations from the school accountability committee**, shall be responsible for keeping the school board informed of all state-mandated curriculum changes, as well as recommended discretionary changes, and for periodically presenting recommended modifications for board review and approval.
- E. The superintendent shall have discretionary authority to develop guidelines and directives to implement MSA policy relating to curriculum development.

**Legal References:**

*Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)*

*Minn. Stat. § 120B.11 (School District Process for reviewing Curriculum, Instruction, and Student Achievement Goals)*

*Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)*

*Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)*

*Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)*

*Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)*

*Minn. Rules Parts 3501.1000-3501.1190 (Graduation-Required Assessment for Diploma)*

*Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)*

*Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)*

**Cross References:**

*MSBA/MASA Model Policy 604 (Instructional Curriculum)*

*MSBA/MASA Model Policy 605 (Alternative Programs)*

*MSBA/MASA Model Policy 613 (Graduation Requirements)*

*MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)*

*MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)*

*MSBA/MASA Model Policy 616 (School District System Accountability)*

*MSBA/MASA Model Policy 618 (Assessment of Student Achievement)*

*MSBA/MASA Model Policy 619 (Staff Development for Standards)*

*MSBA/MASA Model Policy 620 (Credit for Learning)*

Policy #: <b>606</b>
Title: <b>TEXTBOOKS AND INSTRUCTIONAL MATERIALS</b>
Date of Initial Approval: 02-18-2016
Revision/Re-authorization Dates:06-27-2019; 02-23-2022
Reviewers: MSA Instructional Leadership Team

**I. PURPOSE**

The purpose of this policy is to provide direction for selection of textbooks and instructional materials at the Minnesota State Academies (MSA).

**II. GENERAL STATEMENT OF POLICY**

The MSA board recognizes that selection of textbooks and instructional materials is a vital component of the MSA curriculum. The MSA board also recognizes that it has the authority to make final decisions on selection of all textbooks and instructional materials. This policy is intended to address the selection and purchase of new textbooks and instructional materials that have not been previously approved. The purchase of newer editions of board-approved textbooks or supplemental/consumable materials that support board-approved curriculum does not require board approval.

**III. DEFINITIONS**

A. Textbooks

Textbooks include student and teacher versions of books utilized for delivery of curricular content, supplemental materials (i.e., workbooks), enrichment activities, and accommodations/modifications available to meet students' individual needs, including both printed and/or digital forms.

B. Instructional Materials

Instructional materials include items such as videos, digital resources and subscriptions, computer applications, experiential activities (hands-on activities), kits, or other resources that are packaged with textbooks to support instruction. *This does not include teacher-made materials such as power-point presentations, teacher videos, or other resources/materials that teachers utilize to support student learning within the classroom.*

**IV. RESPONSIBILITY OF SELECTION**

A. While the MSA board retains its authority to make final decisions on the selection of textbooks and instructional materials, the MSA board recognizes the expertise of the professional staff at MSA and the vital need of such staff to be primarily involved in the recommendation of textbooks and instructional materials. Accordingly, the MSA board delegates to the superintendent the responsibility to direct the professional staff in formulating recommendations to the MSA board on textbooks and other instructional materials.

B. In reviewing textbooks and instructional materials during the selection process, MSA professional staff shall select materials which:

- a. support the goals and objectives of the educational programs at MSA
- b. consider the needs, age, and maturity of students

- c. foster respect and appreciation for multiple **perspectives and/or life experiences**
  - d. fit within the constraints of the MSA budget
  - e. are in accessible formats that match students' individual needs on both campuses and support the development of English and students' native language(s) (i.e., American Sign Language) Another language may be used, pursuant to *Minn. Stat. § 124D.61*
  - f. do not censor or restrain instruction in American or Minnesota state history or heritage based on religious references in original source documents, writings, speeches, proclamations, or records.
- C. The superintendent shall be responsible for developing procedures and guidelines to establish an orderly process for the review and recommendation of textbooks and other instructional materials by the professional staff. Such procedures and guidelines shall provide opportunities for input and consideration of the views of students, parents/**guardians**, and other interested members of the MSA community. The **process of selecting textbooks and/or instructional materials** shall be coordinated with MSA's curriculum development effort (**MSA Policy #603**).

#### **V. RESPONSIBILITY OF SELECTION**

- A. The superintendent shall be responsible for keeping the MSA board informed of progress regarding the textbook and instructional materials review and selection process.
- B. The superintendent shall present a recommendation to the MSA board on the selection of textbooks and other instructional materials after completion of the review process as outlined in this policy.

#### **VI. RECONSIDERATION OF TEXTBOOKS OR OTHER INSTRUCTIONAL MATERIALS**

- A. The MSA board recognizes the possibility of differences of opinion on the part of some members of the MSA community relating to certain areas of the instruction programs at MSA. Upon inclusion of textbook/instructional materials recommendations to the board, posted on board meeting agendas, interested persons may request an opportunity to review materials and submit feedback to the board.
- B. The superintendent shall be responsible for the development of procedures and guidelines to identify the steps to be followed to seek reconsideration of textbooks or other instructional materials.

#### **Legal References:**

*Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction – Curriculum)*

*Minn. Stat. § 120B.235 (American Heritage Education)*

*Minn. Stat. § 123B.02, Subd. 2 (General Powers of Independent School Districts)*

*Minn. Stat. § 123B.09, Subd. 8 (School Board Responsibilities)*

*Minn. Stat. § 124D.59-124D.61 (Limited English Proficiency)*

*Minn. Stat. § 127A.10 (State Officials and School Board Members to be Disinterested; Penalty)*

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

*Pratt v. Independent Sch. Dist. No. 831, 670 F.2d 771 (8<sup>th</sup> Cir. 1982)*

**Cross References:**

*MSBA/MASA Model Policy 603 (Curriculum Development)*

*MSBA/MASA Model Policy 604 (Instructional Curriculum)*

Policy #: <b>608</b>
Title: <b>INSTRUCTIONAL SERVICES – SPECIAL EDUCATION</b>
Date of Initial Approval: 02-18-2016
Revision/Re-authorization Dates:06-27-2019; 09-29-2021
Reviewers: MSA Instructional Leadership Team

**I. PURPOSE**

The purpose of this policy is to set forth the position of the Minnesota State Academies (MSA) board on the need to provide special education services to students at MSA.

**II. GENERAL STATEMENT OF POLICY**

The MSA board recognizes that all MSA students have Individual Education Programs that adhere to federal and state laws/regulations related to special education and further recognizes the importance of providing a free appropriate public education and delivery systems designed for students who are deaf, hard-of-hearing, deafblind, blind, and visually impaired.

**III. RESPONSIBILITIES**

A. The MSA board accepts its responsibility to ensure that MSA has appropriate programs and resources to identify, evaluate, and provide special education and related services for students who are deaf, hard-of-hearing, deafblind, blind, or visually impaired, including those with additional disabilities who are properly the responsibility of MSA and who meet the criteria to qualify for special education and related services as set forth in Minnesota and federal law.

B. MSA shall ensure that all qualified students are provided special education and related services (i.e., Orientation and Mobility; Physical Therapy; Occupational Therapy; Speech/Language Services; Mental Health Services) which are appropriate to their educational needs.

C. When such services require or result from interagency cooperation (i.e., collaboration with State Services for the Blind (SSB)/Vocational Rehabilitation Services (DEED); Community Workforce Development, County Services), MSA shall participate in such interagency activities in compliance with applicable federal and state law.

D. MSA will conduct evaluations of students in accordance with prior written notice provisions in Minnesota Statutes, section 125A.091, subdivision 3a. A parent/guardian may also request that MSA conduct a comprehensive evaluation of their child.

**Legal References:**

*Minn. Stat. § 124D.03 (Enrollment Options Program)*  
*Minn. Stat. § 125A.02 (Child with a Disability Defined)*  
*Minn. Stat. § 125A.027 (Rulemaking)*  
*Minn. Stat. § 125A.03 (Special Instruction for Children with a Disability)*  
*Minn. Stat. § 125A.08 (Individualized Education Programs)*  
*Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)*  
*Minn. Stat. § 125A.29 (Responsibilities of County Boards and School Boards)*  
*20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Act)*

**Cross References:**

*MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)*  
*MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)*  
*MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)*  
*MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)*

Policy #: <b>741</b>
Title: <b>REIMBURSEMENT OF ACTIVITY EXPENSES</b>
Date of Initial Approval: 11-29-2007
Revision/Re-authorization Dates: 11-16-2010; 03-07-2013; 03-24-2016; 03-28-2019; 02-23-2022
Reviewers: MSA Fiscal Services Director; MSA Superintendent

## I. GENERAL STATEMENT OF POLICY

Employees of Minnesota State Academies (MSA) accompany students to a variety of community activities and events. Expenses incurred by employees necessary in the performance of their duties will be paid for/reimbursed by MSA.

Supervisors must pre-approve all activity expenses. Supervisors must ensure that the expense is an authorized and appropriate use of state money; an allowable expense under state reimbursement rules; funds are available within the program's budget; and the activity has a programmatic/therapeutic benefit for the student(s). The prior approval must be documented.

Staff expenses that can be reimbursed include:

- A. Admission to approved activities, including movies, fairs, plays, concerts, sporting events, etc. when accompanying MSA students.
- B. Expenses for employee meals and non-alcoholic beverages when accompanying students during activities. Expenses will not exceed the costs incurred for the individual. (Meals may not exceed the appropriate bargaining unit rate)

The following staff expenses **will not** be paid by MSA.

- A. Snacks and beverages at community events such as movies or sporting events.
- B. Desserts/snacks at restaurants/stores when not part of a meal.

## II. PROCESS FOR REIMBURSEMENT

*The supervisor or designee must approve the use of funds for activities in advance.*

- A. The petty cash account may be used to pay for employee/individual's **meals and** activity expenses under \$25.00 (MSA Policy#743 – Petty Cash). Anything over \$25.00 will **be reimbursed through the State Payroll System** or require employees to request an imprest fund check (MSA Policy#742 – Imprest Fund)
- B. Expenses must be supported with receipts to adequately meet MSA Fiscal Services requirements or by a completed affidavit for incomplete/missing receipts.
- C. This policy does not cover individual employee expenses (**i.e., meals**) and/or travel reimbursements that are covered by regular reimbursement rules under bargaining contracts.

### **Cross References:**

*MSA Policy 740 – Special Expenses; Out of State Travel*  
*MSA Policy 742 – Imprest Fund*  
*MSA Policy 743 – Petty Cash*

Policy #: <b>452</b>
Title: <b>STAFF USE OF ELECTRONIC COMMUNICATION AND TECHNOLOGY</b>
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Department Heads; and Informational Technology employees

**I. PURPOSE**

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

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

- Desk telephones
- Video phones
- Mobile devices (e.g., cellular phones, tablets, etc.)
- Computers (desktops or laptops) and Monitor(s)
- Facsimile machines, printers, and copiers
- Electronic mail (e-mail) systems
- Internet access, compute programs, and apps
- 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 purposes which 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.

***Minnesota Statute 43A.38, Subdivision 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.*

**Minnesota Statute 43A.39, Subdivision 2 provides “Noncompliance”:**

*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. MSA RESPONSIBILITIES

- A. MSA 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 is 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:

- Illegal activities.
- Wagering, betting, or selling.
- Harassment, cyber bullying, disparagement of others, stalking, and/or illegal discrimination.
- Fund-raising for any purpose unless agency sanctioned.
- Commercial activities, e.g., personal for-profit business activities. This includes using school equipment and/or network resources for monetization of social media accounts, etc.
- Promotion of political or religious positions or activities.
- 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;
- Unauthorized accessing of non-public data or any attempt to post, transmit or distribute non-public or personal data.
- Non-State employee use (e.g., family member or friend) at work or at home.
- Introduction of information or materials that could cause damage or danger of disruption to the educational process.

- 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.
- Purposes other than state business, except incidental or minimal use.
- Attempts to vandalize, to degrade or to disrupt equipment, software, or system performance by spreading computer viruses or other means.
- Attempts to tamper with modify or change the MSA's system software, hardware or wiring or any action to disrupt Academies security systems.
- 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 discovers 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 services 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 appropriate form developed for this purpose. See *Minnesota State Academies Equipment Sign Out (Appendix 524-B)*.  
  
MSA is 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 their 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, similar to 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 their supervisor or designated individual.

Fiscal Services will conduct an annual review of 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 the 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. 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."

## VI. MONITORING

Electronic communication devices such as mobile devices, desk telephones, two-way radios, videophones, facsimile machines, state e-mail systems and Internet access, any and all software, data, or other information stored on a state-owned computer or network 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 reserves the right to monitor any and all electronic communication device activity. Electronic monitoring of telephone<sup>1</sup>, 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 private<sup>2</sup>. 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 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 is government data and, as such, is 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.

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<sup>1</sup> 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.

<sup>2</sup> 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.

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.

## VII. 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.
- 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.

## VIII. 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:**

*475-A: Personal Phone Use*  
*475-B: Minnesota State Academies Equipment Sign-Out*  
*475-C: Employee Electronic Communication and Technology Agreement*

Policy #: <b>525</b>
Title: <b>VIOLENCE PREVENTION</b>
Date of Initial Approval: NEW
Revision/Re-authorization Dates:
Reviewers: MSA Instructional Leadership Team

**I. PURPOSE**

The purpose of this policy is to recognize that violence has increased nationally and to identify measures that the Minnesota State Academies (MSA) will take in an attempt to maintain a learning and working environment that is free from violent and disruptive behavior.

The MSA board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority, and they should be protected from physical or emotional harm during school activities and on school grounds, buses, or field trips while under MSA supervision.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of MSA is to strictly enforce its weapons policy (Policy #501).
- B. MSA will promptly investigate all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- C. The MSA administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the MSA board for review and adoption.
- D. MSA will implement approved violence prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

**III. IMPLEMENTATION OF POLICY**

- A. The MSA board will periodically review and approve policies to prevent and address violence in our schools. MSA administrators will develop procedures to effectively implement the school weapons and violence prevention policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.
- B. The MSA board and administration will inform staff and students annually of policies and procedures related to violence prevention and weapons.
- C. MSA will act promptly to investigate all acts and formal and informal complaints of violence and take appropriate disciplinary action against

any student or staff member who is found to have violated this policy or any related policy.

- D. The consequences set forth in the school weapons policy (Policy #501) will be imposed upon any student or nonstudent who possesses, uses or distributes a weapon when in a school location.
- E. The consequences set forth in the school hazing policy (Policy #526) will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.
- F. Students who engage in assault or violent behavior will be removed from the classroom immediately and for a period of time deemed appropriate by the principal, in consultation with the teacher, pursuant to the student discipline policy (Policy #506).
- G. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.
- H. Procedures will be developed for the referral of any person in violation of this policy or the weapons policy to the local law enforcement agency in accordance with Minnesota Statutes section 121A.05.
- I. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial, or sexual harassment or violence against other individuals as defined in the harassment and violence policy (Policy #413) will be subject to the procedures set forth in the student dress and appearance policy (Parent/Student Handbook).

“Gang” as used in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity.

A “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

- J. This policy is not intended to abridge the rights of students to express

political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, denote gang affiliation, advocate harassment or violence against others, are likely to disrupt the education process, or cause others to react in a violent or illegal manner.

#### **IV. PREVENTION STRATEGIES**

MSA has adopted and will implement the following prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

- A. Clear school rules that prevent and deter violence.
- B. Adopt a crisis management policy to address potential violent crisis situations in the district.
- C. Provide training in recognition, prevention, and safe responses to violence and development of a positive school climate.
- D. Promote student safety responsibility by encouraging the reporting of suspicious individuals and unusual activities on school grounds. Require all visitors to check in at the main office, following MSA Policy #903.
- E. In-service training for personnel by experts familiar with topics including, but not limited to: domestic violence, personal safety (i.e., helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways), recognizing and preventing sexual abuse and sexual violence, and reporting any violation in accordance with Minnesota laws and code of ethics for teachers.
- F. Establish a school accountability committee to develop curricular content and instructional activities to address topics including, but not limited to:
  - violence prevention strategies
  - law-related education
  - child sexual abuse prevention for students, including age-appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders
  - character/values education (universal values, e.g., honesty, personal responsibility, self-discipline, cooperation, and respect for others).
  - cross cultural awareness, with the goal to unify students of all cultures and backgrounds, development of mutual respect and understanding of diverse experiences and values, and strengthening the message of inclusion.
  - social skills such as maintaining self-control, building

communication skills, forming friendships, resisting peer pressure, being appropriately assertive, forming positive relationships with adults, and resolving conflict in nonviolent ways.

- critical viewing and listening skills in analyzing mass media to recognize stereotypes, distinguishing fact from fantasy, and identifying differences in behavior and values that conflict with their own.

## V. STUDENT SUPPORT

- A. Students will have access to school-based student service professionals, when available, including counselors, nurses, social workers, and psychologists who are knowledgeable in methods to assist students with violence prevention and intervention.
- B. Students will be educated about MSA policies designed to protect their personal safety.
- C. Students will be provided with information about MSA rules regarding weapons and violence.
- D. Students will be informed of resources for violence prevention and proper reporting.

## VI. EMPLOYEES

- A. MSA employees shall comply with the school weapons policy (Policy #501) and the school hazing policy (Policy #526).
- B. MSA employees will review violence prevention policies and report any violation to school administration immediately. They are required to review policies regarding weapons and violence prevention annually.
- C. MSA employees will not engage in emotionally abusive acts including malicious shouting, ridicule, and/or threats or other forms of corporal punishment.

### **Legal References:**

*Minn. Stat. § 13.43, Subd. 16 (Personnel Data)*

*Minn. Stat. § 120B.22 (Violence Prevention Education)*

*Minn. Stat. § 120B.232 (Character Development Education)*

*Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)*

*Minn. Stat. § 121A.035 (Crisis Management Policy)*

*Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)*

*Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)*

*Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)*

*Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)*

*Minn. Stat. § 121A.64 (Notification)*

*Minn. Stat. § 121A.69 (Hazing Policy)*

*Minn. Stat. § 181.967, Subd. 5 (School District Disclosure of Violence or Inappropriate Sexual Contact)*

Policy #: <b>616</b>
Title: <b>SCHOOL ACCOUNTABILITY</b>
Date of Initial Approval: 04-27-2017
Revision/Re-authorization Dates: 06-12-2018; 11-29-2018; 09-16-2020; 06-02-2021; 06-15-2022
Reviewers: MSA Instructional Leadership Team

**I. PURPOSE**

The purpose of this policy is to develop strategies and educational programming aligned with best practices, which promotes higher academic achievement for all students and ensures broad-based agency-wide participation in decisions regarding the implementation of the Minnesota Academic Standards and federal law.

**II. GENERAL STATEMENT OF POLICY**

Implementation of the Minnesota Academic Standards requires a commitment to accountability for the Minnesota State Academies (MSA). MSA is obligated to ensure adherence to the graduation requirements of the Minnesota ECIP and K-12 Academic Standards and goals outlined in each student's IEP/IFSP. MSA will use a system to review and improve instruction, curriculum, and assessment which includes input from students, teachers, and parents/families. MSA will be accountable to the public and the state through annual reporting.

**III. DEFINITIONS**

A. **“Credit”** means a student's successful completion of a course of study or a student's mastery of the applicable subject matter, as determined by MSA.

B. **“Graduation Standards”** means the credit requirements and Minnesota Academic Standards that school districts must offer and certify that students complete to be eligible for a high school diploma.

C. **“Comprehensive achievement and civic readiness”** means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; have all students graduate from high school; and prepare students to be lifelong learners.

**IV. ESTABLISHMENT OF GOALS, IMPLEMENTATION, EVALUATION, AND REPORTING**

A. School District Goals

1. The school accountability committee will develop annual district-wide goals which provide broad direction for the Academies. The goals must incorporate the graduation and education standards contained in the Minnesota Academic Standards. The goals shall be reviewed and approved by the MSA board.

2. MSA's goal setting process will include consideration of individual campus **needs and** goals. MSA's district goals should be based on an evaluation of student progress, effectiveness of instructional approaches, and review of curriculum resources and materials.

**B. School Accountability Committee**

1. The school accountability committee shall be comprised of representatives from each academy. Included in its membership should be:
  - a. The Campus Directors of each academy
  - b. The Director of Student Support Services
  - c. **The Director of Curriculum and Educational Programs**
  - d. One teacher from each academy
  - e. School district assessment coordinator (if different than a, b, c, or d above.)

**The school accountability committee must provide opportunities for input from parents/families and students in their work (curriculum decisions, school goals, etc.)**

By September 30th of each year, the school accountability committee **will meet to develop recommendations for the MSA board regarding MSA's annual district goals. This information must be completed in time for the MSA board to review during their October meeting.**

2. The school accountability committee, working in cooperation with other committees of MSA, such as the technology committee and/or the Site Councils of both Academies, will provide **periodic opportunities for input** in:
  - a. Reviewing the Academies' instructional and curriculum plan, with emphasis on implementing the Minnesota Graduation Standards, including review and approval of courses;
  - b. Reviewing and updating the Academies' plan **towards comprehensive achievement and civic readiness.**
  - c. Identifying annual instruction and curriculum improvement goals for recommendation to the MSA board;
  - d. Making recommendations regarding the evaluation process that will be used to measure the Academies' progress toward its goals;
  - e. Advising the MSA administration about development of the annual budget.
3. The **school accountability committee** may develop separate goals and plans appropriate to each Academy's population, **including curriculum content and assessment tools to evaluate student progress. Information gained from those assessments will be used to evaluate student progress towards district goals.**
4. The school accountability committee shall utilize the timeline below for each school year:

- a. Beginning of the school year:
  - i. Review the roles and responsibilities of the committee and individual members.
  - ii. Become familiar with the instruction and curriculum of the cycle content areas being reviewed during that year
  - iii. Develop a schedule of meetings
  - iv. Develop ways in which input will be gathered and incorporated.
- b. Regularly throughout the year:
  - i. Review curriculum needs; develop appropriate assessments, provide curricular training, and other steps necessary for staff and students.
  - ii. Oversee and complete tasks related, but not limited to:
    - 1. Curriculum monitoring, including standards and scope/sequence
    - 2. New textbooks, materials, and subscriptions
    - 3. Syllabi reviews
    - 4. Local Literacy Plans
    - 5. Professional development/Professional Learning Communities
    - 6. Course catalogs
    - 7. Accreditation and strategic planning
  - iii. Submit quarterly progress reports to the MSA board about activities of the Academies that promote progress towards meeting annual goals.
- c. End of the school year:
  - i. Review evaluation results and prepare a summary for board review.
  - ii. Prepare a draft of recommendations for the following school year.

C. System for Reviewing All Instruction and Curriculum.

Incorporated in the process of establishing district goals will be analysis of the Academies' progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account instructional strategies, best/effective practices, student outcomes, and principal evaluations under *Minn. Stat. § 123B.147, Subd. 3, and teacher evaluations under Minn. Stat. § 122A.40, Subd. 8, or 122A.41, Subd. 5*. The school accountability committee shall establish a schedule for regular and comprehensive review of each curricular area.

D. Implementation of Graduation Requirements

1. The school accountability committee will also serve as MSA's Graduation Standards Implementation Committee and shall advise the MSA board on implementation of the state and local graduation requirements, including consideration of MSA's K-12 curriculum, assessment, student learning opportunities, and other related issues. [Recommendations of this committee](#)

shall be posted as a part of the graduation requirements outlined in the MSA Parent-Student Handbook and approved by the MSA board annually.

**E. Evaluation of Student Progress**

As part of the school accountability committee work, a plan for assessment of student progress in all curricular areas will be developed. This plan must consider accessibility factors and ensure that the assessments are appropriately designed to meet the unique learning and communication needs of students at each Academy. Each Academy Director, working in conjunction with the School Accountability Committee, must select assessments appropriate to MSA's student population to provide a longitudinal, systematic approach to student educational and career planning, assessment, instructional support, and evaluation.

**F. Reporting.**

Annually, during their October meeting, the MSA board will review information about school achievement goals, assessment outcomes, strategies, and curriculum updates. Opportunities for public input will be provided during this meeting. Afterwards, the MSA board will publish a report on the MSA website with updated student achievement goals and plans/strategies for the achievement of those goals.

MSA will also periodically survey staff, parents/families, and students about their connection and level of satisfaction with the school and include the results within its annual report.

**Legal References:**

*Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)*  
*Minn. Stat. § 120B.018 (Definitions)*  
*Minn. Stat. § 120B.11 (School District Process)*  
*Minn. Stat. § 120B.128 (Educational Planning and Assessment System (EPAS) Program)*  
*Minn. Stat. § 120B.35 (Student Achievement Levels)*  
*Minn. Stat. § 120B.36 (School Accountability; Appeals Process)*  
*Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)*  
*Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)*  
*Minn. Stat. § 123B.04 (Site Decision Making Agreement)*  
*Minn. Stat. § 123B.147, Subd. 3 (Principals)*  
*Minn. Stat. § 125A.62, Subd.5 (Planning, evaluation, and reporting)*  
*Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)*  
*Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)*  
*Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)*  
*Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)*  
*Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)*

**Cross References:**

*MSBA/MASA Model Policy 104 (School District Mission Statement)*  
*MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)*  
*MSBA/MASA Model Policy 613 (Graduation Requirements)*  
*MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)*  
*MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and*

*Exemptions for IEPs, Section 504 Plans, and LEP Students)*  
*MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)*  
*MSBA/MASA Model Policy 618 (Assessment of Student Achievement)*  
*MSBA/MASA Model Policy 619 (Staff Development for Standards)*  
*MSBA/MASA Model Policy 620 (Credit for Learning)*

Policy #: <b>410</b>
Title: <b>FAMILY AND MEDICAL LEAVE (FMLA)</b>
Date of Initial Approval: 11-23-2015
Revision/Re-authorization Dates: 01-21-2016; 6-29-2017; 06-12-2018; 06-27-2019; 09-16-2020; 06-02-2021; 06-16-2022; 06-20-2023; 06-17-2024
Reviewers: MSA Human Resources Office

**I. PURPOSE**

Minnesota State Academies (MSA) is a state agency and is part of the executive branch of government in Minnesota. MSA follows the Family and Medical Leave Act (FMLA) set forth by Minnesota Management and Budget.

The purpose of the FMLA policy is to provide for family and medical leave to MSA employees in accordance with the Family and Medical Leave Act of 1993 and the regulations thereunder (Code of Federal Regulations (CFR), Title 29, Chapter V, Part 825).

The State of Minnesota FMLA policy and procedures can be found at:  
[https://mn.gov/mmb/assets/fmlapol-consolidated-1409\\_tcm1059-127556.pdf](https://mn.gov/mmb/assets/fmlapol-consolidated-1409_tcm1059-127556.pdf)

<b>Policy #:413</b>
Title: <b>HARASSMENT AND VIOLENCE</b>
Date of Initial Approval: 1995
Revision/Re-authorization Dates: 05/03/2007; 11/18/2010; 11/21/2013; 01/22/2015; 6/29/2017; 6/12/2018; 06/27/2019; 09/16/2020; 06/02/2021; 06/15/2022; 06/20/2023; 06/17/2024
Reviewers: MSAB Director; MSAD Director; MSA Director of Support Services; MSA Superintendent; MSA Human Resources Office

**I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment for the Minnesota State Academies (MSA) that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the Minnesota State Academies to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any pupil, teacher, administrator or other MSA personnel to harass a pupil, teacher, administrator or other MSA personnel or group of students, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability as defined by this policy. (For purposes of this policy, MSA personnel include board members, staff, agents, volunteers, contractors, or persons subject to the supervision and control of MSA.)
- C. A violation of this policy occurs when any pupil, teacher, administrator or other school personnel of MSA inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator or other MSA personnel or group of students, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. MSA will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

### III. DEFINITIONS

- A. **“Assault”** is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;
  2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. **“Harassment”** prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual’s or group of individuals’ race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  2. has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance; or
  3. otherwise adversely affects an individual’s employment or academic opportunities.
- C. **“Sexual Harassment” and “Sexual Violence”** - Definition  
(Please refer to [MSA Policy 413.1 – Sexual Harassment and Violence Prohibition](#) for more details and definitions regarding sexual harassment prohibition)
- D. **“Immediately”** means as soon as possible but in no event longer than 24 hours.
- E. **“Protected Classifications”** - Definitions
1. **“Age”** means the person is over the age of 25 years.
  2. **“Disability”** means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
    - a. has a physical, sensory, or mental loss which materially limits one or more major life activities;
    - b. has a record of such a loss; or
    - c. is regarded as having such a loss.
  3. **“Familial status”** means the condition of one or more minors being domiciled with:
    - a. their parent or parents or the minor’s legal guardian; or
    - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
  4. **“Marital status”** means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in

employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

5. **“National origin”** means the place of birth of an individual or of any of the individual’s lineal ancestors.
  6. **“Sex”** includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  7. **“Sexual orientation”** means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
  8. **“Status with regard to public assistance”** means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- F. **“Violence”** - Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

#### IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator or other employees of MSA, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher, administrator or other employee or group of students, teachers, administrators, or other employees should report the alleged acts immediately to an appropriate MSA official designated by this policy. MSA encourages the reporting party or complainant to use the report form available from the MSA Human Resources Office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the MSA human rights officer or to the MSA superintendent.
- B. On Each Campus. The Director of each campus or their designee is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at MSAB and MSAD. Any employee who receives a report of harassment or violence prohibited by this policy shall inform the director immediately. If the complaint involves the director, the complaint shall be made or filed directly with the superintendent or the MSA Human Resources Office. Employees who fail to inform the director of a

report of harassment or violence in a timely manner may be subject to disciplinary action.

- C. Upon receipt of a report, the director must notify the MSA human resources office immediately, without screening or investigating the report. The director may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the director to the human resources office. If the report was given verbally, the director shall document the verbal report into written form within 24 hours and forward it to the human resources office. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the director.
- D. For the Agency. The Minnesota State Academies board hereby designates the Human Resources Director as the school district human rights officer to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves the Human Resources Director, the complaint shall be filed directly with the superintendent.
- E. The Minnesota State Academies shall conspicuously post the name of the human rights officer, including mailing address and telephone number in each lounge and/or workroom.
- F. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. MSA will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MSA's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

## **V. INVESTIGATION**

- A. Upon receipt of a report or complaint alleging harassment or violence prohibited by this policy, the human resources director shall immediately undertake or authorize an investigation. The investigation may be conducted by MSA officials or by a third party designated by MSA.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, MSA should consider the surrounding circumstances, the nature of the

behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

- D. In addition, MSA may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators, or other employees pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The investigation will be completed as soon as practicable. The MSA human resources director shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report shall be filed directly with the MSA board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of the investigation, MSA will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. MSA action(s) taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and MSA policies.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the MSA Human Resources Office in accordance with state and federal law regarding data or records privacy.

#### **VII. REPRISAL**

MSA will discipline or take appropriate action against any student, teacher, administrator or other employee who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment, or intentional disparate treatment.

#### **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

**IX. HARASSMENT OR VIOLENCE AS ABUSE**

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit MSA from taking immediate action to protect victims of alleged harassment, violence, or abuse.

**X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be given to each MSA employee and independent contractor at the time of entering into the person's employment contract. The Human Resources Office will support employees who may need assistance in understanding this policy.
- B. This policy shall appear in the student handbook.
- C. MSA will require each employee to read and understand this policy as part of our annual policy review. Supervisors/Directors will support employees who may need assistance in understanding this policy. As part of the annual student orientation, directors of each campus will discuss this policy with students at the beginning of each school year.
- D. MSA will seek out ways to implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- E. This policy shall be reviewed at least annually for compliance with state and federal law.

**Legal References:**

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)  
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)  
Puller v. Indep. Sch. Dist. No. 701, 528 N. W. 2d 273 (Minn. Ct. App. 1998)

**Cross References:**

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)  
MSA Policy 413.1 (Sexual Harassment Prohibition)

***Appendices:***

Appendix 413-A

Policy #: 414
Title: <b>MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE</b>
Date of Initial Approval: 10/27/2016
Revision/Re-authorization Dates: 06/12/2018; 06/27/2019; 09/16/2020; 06/02/2021; 6/15/2022; 06/20/2023; 06/17/2024
Reviewers: MSA Instructional Leadership Team

***[Note: This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.]***

**I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

**II. GENERAL STATEMENT OF POLICY**

A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.

B. A violation of this policy occurs when any employee fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

**III. DEFINITIONS**

A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

1. is not likely to occur and could not have been prevented by exercise of due care; and
2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.

B. "Child" means one under 18 years of age and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. "Mandated reporter" means any employee who knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

E. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:

1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

- F. "Non-maltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar non-maltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the

incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to childcare centers licensed under Minn. Rules Ch. 9503

- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.67 or § 245.825. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any non-accidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (9) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.
- H. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or childcare services.
- I. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a

sexual performance. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).

- J. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- K. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- L. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

#### **IV. REPORTING PROCEDURES**

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter. A copy of this report shall be filed in the superintendent's office.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- D. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school. Employees who submit reports will be protected to the fullest extent possible against any reprisals.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

**[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]**

## **V. INVESTIGATION**

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the

local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. The investigating agency will be responsible for bringing qualified interpreters and/or interveners to support communication with a deaf child.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

## **VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE**

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

**VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE**

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

**VIII. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall appear in school personnel handbooks.
- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

**Legal References:**

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*  
*Minn. Stat. § 121A.58 (Corporal Punishment)*  
*Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)*  
*Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)*  
*Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)*  
*Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)*  
*Minn. Stat. § 260C.007, Subd. 4, Clause (5) (Child in Need of Protection)*  
*Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)*  
*Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)*  
*Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)*  
*Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)*  
*Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)*  
*Minn. Stat. § 609.379 (Reasonable Force)*  
*Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)*  
*Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)*  
*20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)*

**Cross References:**

*MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)*

Policy #: <b>415</b>
Title: <b>MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS</b>
Date of Initial Approval: 04/21/2016
Revision/Re-authorization Dates: 06/29/2017; 06/12/2018; 06/27/2019; 09/16/2020; 06/02/2021; 06/15/2022; 06/20/2023; 06-17-2024
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

**I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. It shall be a violation of this policy for any school personnel to fail to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

**III. DEFINITIONS**

- A. **“Mandated Reporters”** means any school personnel who have reason to believe that a vulnerable adult is being or has been maltreated.
- B. **“Maltreatment”** means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. **“Neglect”** means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- D. **“Abuse”** means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as

- defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.
- E. **“Financial Exploitation”** means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. **“Vulnerable Adult”** means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services at or from a licensed facility which serves adults as set forth in Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or home care provider service; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

- G. **“Caregiver”** means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. **“School Personnel”** means professional employees, or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services for vulnerable adults.
- I. **“Immediately”** means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

#### IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the designated county entity.
- B. Whenever a mandated reporter, as defined herein, knows, or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose not public data as defined under Minn. Stat. § 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person, or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

**V. INVESTIGATION**

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

**VI. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall appear in school personnel handbooks.
- B. MSA will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

**Legal References:**

Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. § 609.234 (Crimes Against the Person)  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
*In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

**Cross References:**

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

Policy #: <b>506</b>
Title: <b>STUDENT DISCIPLINE</b>
Date of Initial Approval: 03/07/2013
Revision/Re-authorization Dates: 01/22/2015; 6/29/2017; 11/29/2018; 09/16/2020; 06/02/2021; 06/15/2022; 06/20/2023; 06/17/2024
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services; MSA Superintendent

**I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the Minnesota State Academies' expectations for student conduct. Such compliance will enhance the Minnesota State Academies' ability to maintain discipline and ensure that there is no interference with the educational process. The Minnesota State Academies (MSA) will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

**II. GENERAL STATEMENT OF POLICY**

The MSA Board recognizes that individual responsibility and mutual respect are essential components of the educational process. The MSA Board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect for self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. MSA can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of MSA is that a fair and equitable agency-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56. In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the MSA Board, with the participation of MSA administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of MSA.

### III. **AREAS OF RESPONSIBILITY**

#### **A. The MSA Board:**

The MSA Board holds all employees responsible for the maintenance of order within the agency and supports all personnel acting within the framework of this discipline policy.

#### **B. Superintendent.**

The superintendent shall establish guidelines and directives to carry out this policy, hold all MSA employees, students, and parents responsible for conforming to this policy, and support all MSA employees performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents to be included within MSA procedures.

#### **C. Directors:**

The Directors of MSAB, MSAD, and MSA Student Support Services are responsible and authorized to develop rules and regulations necessary to enforce this policy, following parameters established in this policy, to be included in the Parent-Student Handbook and the Student Code of Conduct. The directors shall give direction and support to all MSA employees performing their duties within the framework of this policy. The directors shall consult with parents of students conducting themselves in a manner contrary to the policy to share information and gather input on how to support the student better. The directors shall also involve other professional employees in the disposition of behavior referrals and shall make use of appropriate external resources to assist students and parents. Directors, in exercising their lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student, or to prevent bodily harm or death to another.

#### **D. Teachers.**

All teachers are responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct consistently. In exercising the teacher's lawful authority, a teacher may use reasonable force when necessary under the circumstances to correct or restrain a student, or to prevent bodily harm or death to another.

#### **E. Other Minnesota State Academies Employees.**

All MSA employees, including contractors, are responsible for contributing to the atmosphere of mutual respect at MSA. Their responsibilities related to student behavior shall be as authorized and directed by the superintendent or directors of MSA. All employees of MSA, in exercising their lawful authority, may use reasonable force when necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

#### **F. Parents or Legal Guardians.**

Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate

with MSA administrators and to participate respectfully in discussions and decisions regarding the behavior of their children.

**G. Students.**

All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

**H. Community Members.**

Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled. MSA administrators and employees shall provide educational materials, guidance, and instruction to community members whenever possible to assist community members in understanding the needs of our students and how to accommodate them within the community without lowering expectations for behavior and conduct.

**IV. STUDENT RIGHTS**

All students have the right to an education and the right to learn in a comfortable, safe, and accessible educational environment. To achieve this, MSA will develop disciplinary procedures and rules in order to provide this type of environment for all students at MSA.

**V. STUDENT RESPONSIBILITIES**

All students are responsible:

- A. For their behavior and for understanding and complying with all MSA rules, regulations, policies, and procedures documented in the Parent-Student handbook;
- B. To attend classes and other educational activities at MSA daily, except when excused, and to be on time to all classes and other MSA functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state of Minnesota and MSA board;
- D. To make necessary arrangements for making up work when absent from classes at MSA;
- E. To assist the MSA staff in maintaining a safe educational environment at MSA for all students;
- F. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- G. To be aware of and comply with federal, state, and local laws;
- H. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with MSA staff as appropriate;
- I. To respect and maintain MSA property and the property of others;
- J. To dress and groom themselves in a manner which meets standards of safety and health, and common standards of decency which are consistent with applicable MSA regulations;

- K. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- L. To conduct themselves in an appropriate physical or verbal manner; and
- M. To recognize and respect the rights of others.

**VI. CODE OF STUDENT CONDUCT**

The Minnesota State Academies has an obligation to provide a safe, secure, and peaceful learning environment for the school community, including students, staff (all school employees and school board members), parents, and volunteers as defined throughout the Code. Therefore, the school-wide Code of Conduct supports a proper academic and social setting so that all participants can enjoy a productive and positive educational experience. The Code of Conduct is subject to annual review and is published annually as part of the Parent-Student Handbook. All provisions outlined in the Code of Conduct apply to the entire school community. It is everyone's responsibility to respect the educational process. Disruptions of the educational process will not be tolerated. Infractions of this Code of Conduct will be carefully assessed, and the rights and responsibilities of the student and the school community will be upheld in order to promote the safety and positive self-image of the school community and to ensure a positive learning environment.

Please refer to the Parent-Student Handbook for specific information regarding discipline, behavior expectations, and possible consequences, including investigation procedures and IEP-related steps regarding student discipline.

**VII. DISCIPLINARY ACTION OPTIONS**

The general policy of MSA is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of MSA administrators. At a minimum, violation of MSA rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. MSA shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the MSA administrator in charge of the investigation. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, director, counselor, or other MSA employee, and verbal warning;
- B. Confiscation by MSA directors/supervisors or their designees and/or by law enforcement of any item prohibited by, or used in the violation of, any MSA policy, rule, regulation, procedure, or state or federal law. If confiscated by MSA, the confiscated item will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact/conference;
- D. Removal from class;

- E. Suspension from school, dorm, or extracurricular activities (all suspensions must be accompanied by an admission/readmission plan);
- F. Detention or restriction/loss of privileges;
- G. Individual monitoring/close supervision or revised class schedule;
- H. Referral to MSA support services, community resources, and/or outside agency services;
- I. Financial restitution;
- J. Referral to police, other law enforcement agencies, or other appropriate authorities, including the possibility of a request for a petition to be filed in district court for juvenile delinquency adjudication;
- K. Long-Term Out-of-School suspension, expulsion, or exclusion under the Pupil Fair Dismissal Act; and/or
- L. Other disciplinary actions as deemed appropriate by MSA.

#### **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by MSA. "Removal from class" and "removal" mean any actions taken by a teacher, director, or other MSA employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including MSA employees, the student or other students, or the property of MSA;
3. Willful violation of any MSA rules, regulations, policies, or procedures, as outlined in the parent-student handbook; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

- B. If a student is removed from class more than ten (10) times in an academic year, MSA shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class. The student's IEP team should be convened to consider the need for a Functional Behavior Assessment (FBA) and/or a Behavior Intervention Plan (BIP).

- C. Procedures for Removal and Return of a Student from a Class and Notification Requirements: Teachers are required to follow the legal procedures prescribed in law if and when they exercise their authority to remove a student from class. Those procedures will be specified by the MSA directors and reviewed annually with teachers at the beginning of each academic year.
1. The school procedures for teachers to remove a student will include the following:
    - a. Specify procedures to be followed by a teacher, administrator, or other MSA employee to remove a student from a class;
    - b. Specify required approvals necessary;
    - c. Specify paperwork and reporting procedures;
    - d. Designation of where student is to go when removed;
    - e. Designation of how student is to get to designated destination;
    - f. Whether student must be accompanied;
    - g. Statement of what student is to do when and while removed;
    - h. Designation of who has control over and responsibility for student after removal from class.
  2. The school procedures for teachers to return a student to class after removal will include the following:
    - a. Specific procedures to be followed by a teacher, administrator, or other MSA employee to return a student to class after removal;
    - b. Actions or approvals required such as notes, conferences, and/or readmission plans;
    - c. Procedures for consideration of whether there is a need for further assessment;
    - d. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Plan (IEP) and/or the student's Behavior Intervention Plan (BIP) of a student who is removed from class or disciplined; and
    - e. Any procedures determined appropriate for referring students in need of special services to those services.
  3. The school procedures for teachers to notify parents/guardians and other employees who work with the student will include the following:
    - a. Specific procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting in disciplinary action;
    - b. Actions or approvals required, such as notes, conferences, and/or readmission plans; and
    - c. The person(s) responsible for communicating with parents/guardians and employees who work with the student and the extent of information to be shared.
  4. When a student is removed from class, employees should consider the following prior to return to class:

- a. Staff Procedures for Detecting and Addressing Substance Abuse Problems of Students While on Minnesota State Academies Premises.
- b. Establishment of a chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.26;
- c. Establishment of a MSA and community advisory team to address chemical abuse problems pursuant to Minn. Stat. § 121A.27; and
- d. Establishment of teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.
- e. Teacher procedures for immediate and appropriate interventions tied to violations of rules and regulations as outlined in the Parent-Student Handbook.
- f. Any procedures determined appropriate for encouraging early involvement of parents/guardians in attempts to improve a student's behavior and/or early detection of behavioral problems.

## IX. **DISMISSAL**

**“Dismissal”** means the denial of the current educational program to any student, including suspension, exclusion, and/or expulsion. Dismissal does not include removal from class.

MSA shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.

MSA shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable MSA Board regulation, including those found in this policy;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of MSA employees to perform their duties, or MSA sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including MSA employees, or property of MSA.

### **Suspension Procedures**

1. “Suspension” means an action by MSA administrators, under policies developed by the MSA Board, prohibiting a student from attending MSA for a period of no more than ten (10) days; provided, however, if a suspension is longer than five (5), the suspending administrator shall provide the superintendent with a reason for the longer term of

suspension. This definition does not apply to dismissal for one (1) day or less when a student with a disability does not receive regular or special education instruction during that dismissal period.

2. MSA is a special-education placement. Thus, MSA must follow all laws, rules, and regulations in the Individuals with Disabilities Education Act (IDEA). Based on this, decisions regarding suspension, expulsion, and/or exclusion must be made on the following principles:
  - a. The school principal can remove a student who is receiving special education services from their educational program for a maximum of 10 cumulative days per school year (including in-school suspension if regular education services are not provided).
  - b. A student can be suspended for more than 10 school days in a school year but must receive a free appropriate public education on the 11th day and after.
  - c. The IEP team must consider if the student's behavior was caused by their disability. If the behavior was not caused by the disability, disciplinary action can be applied as would be with any other student. If the team decides that the behavior was caused by the disability, the student may not be suspended or removed. The team may, however, change the student's placement through the IEP process.
  - d. After a student has been suspended for 10 school days in a school year, the student's IEP team must convene to develop an FBA and a BIP. If one already exists, the IEP team must consider what revisions may be needed. Relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the curriculum and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible after the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
  - e. A principal or instructional supervisor may order that a student with a disability be placed in another educational setting for no more than 45 calendar days if the student is in possession of a dangerous weapon or is selling, using, or possessing drugs at school or a school function, or has inflicted severe bodily injury on another at school, or school premises or at a school function under MSA jurisdiction.
  - f. MSA shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction,

other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

- g. MSA shall not suspend a student without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, an MSA administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
  - h. Each suspension action must include a readmission plan. The plan shall include, when appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. MSA administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in MSA educational activities, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. MSA administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or when MSA is in the process of initiating an expulsion, in which case MSA administration may extend the suspension to a total of fifteen (15) days.
3. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission

plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.

4. MSA administrators shall make reasonable efforts to notify the student's parents/guardians of the suspension as soon as possible following the incident.
5. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
6. Notwithstanding the foregoing provisions, the student may be suspended pending the MSA Board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

#### **Expulsion and Exclusion Procedures**

1. "Expulsion" means a MSA Board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the MSA Board.
2. "Exclusion" means an action taken by the MSA Board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the academic year. The authority to exclude rests with the MSA Board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing unless the right to a hearing is waived in writing by the student and parent/guardian.
5. The student and parent or guardian shall be provided with written notice of MSA's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and their parent/guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the

student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. MSA shall advise the student's parent/ guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by MSA, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student and parent/guardian and shall be closed unless the student and parent/guardian requests an open hearing.
8. MSA shall record the hearing proceedings at MSA's expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. MSA shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The MSA Board may appoint an attorney to represent MSA in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent/guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by MSA. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all MSA records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any MSA employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for MSA.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.

16. The hearing officer shall prepare findings, and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the MSA Board and served upon the parties within two (2) days after the close of the hearing.
17. The MSA Board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The MSA Board may provide the parties with the opportunity to present exceptions and comments regarding the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the MSA Board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the MSA Board may appeal the decision to the Commissioner within twenty-one (21) calendar days of MSA Board action pursuant to Minn. Stat. § 121A.49. The decision of the MSA Board shall be implemented during the appeal to the Commissioner.
19. MSA shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. MSA must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given to the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to MSA within ten (10) days of the termination of dismissal, a MSA administrator shall inform the student and their parent or guardian by mail of the student's right to attend and to be reinstated at MSA.
22. A MSA administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from MSA. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to

provide sympathomimetic medication for their child as a condition of readmission.

**X. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, director, or other MSA designee may provide additional notification as deemed appropriate.

**XI. STUDENT DISCIPLINE RECORDS**

The policy of MSA is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable MSA policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

**XII. MANIFESTATION DETERMINATION PROCESS**

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (1) caused by or had a direct and substantial relationship to the child's disability and (2) whether the child's conduct was a direct result of a failure to implement the child's IEP.

If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, MSA will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that MSA had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, MSA shall continue to provide special education and related services during the period of expulsion or exclusion.

**XIII. DISTRIBUTION OF POLICY**

MSA will include references to this policy in the Parent-Student Handbook distributed annually to all students and parents/guardians. This policy shall also be posted on the MSA website for students and parents/guardians to read. This policy shall also be available upon request from the superintendent's office.

#### **XIV. REVIEW OF POLICY**

The director and representatives of parents, students and staff on each campus' site councils shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the MSA Board, which shall conduct an annual review of this policy.

##### **Legal References:**

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*  
*Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)*  
*Minn. Stat. § 120B.232 (Character Development Education)*  
*Minn. Stat. § 121A.26 (Minnesota State Academies Pre-assessment Teams)*  
*Minn. Stat. § 121A.27 (Minnesota State Academies and Community Advisory Team)*  
*Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)*  
*Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)*  
*Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)*  
*Minn. Stat. § 121A.582 (Reasonable Force)*  
*Minn. Stat. §§ 121A.60-121A.61 (Removal from Class)*  
*Minn. Stat. § 123A.05 (Area Learning Center Organization)*  
*Minn. Stat. § 124D.03 (Enrollment Options Program)*  
*Minn. Stat. § 124D.08 (Enrollment in Nonresident District)*  
*Minn. Stat. Ch. 125A (Students with Disabilities)*  
*Minn. Stat. Ch. 260A (Truancy)*  
*Minn. Stat. Ch. 260C (Juvenile Court Act)*  
*20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)*  
*29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)*  
*34 C.F.R. § 300.530(e)(1) (Manifestation Determination)*

##### **Cross References:**

*MSBA/MASA Model Policy 413 (Harassment and Violence)*  
*MSBA/MASA Model Policy 501 (Minnesota State Academies Weapons)*  
*MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)*  
*MSBA/MASA Model Policy 503 (Student Attendance)*  
*MSBA/MASA Model Policy 505 (Distribution of Non-Minnesota State Academies-Sponsored Materials on Minnesota State Academies Premises by Students and Employees)*  
*MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)*  
*MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)*  
*MSBA/MASA Model Policy 525 (Violence Prevention)*  
*MSBA/MASA Model Policy 526 (Hazing Prohibition)*  
*MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)*  
*MSBA/MASA Model Policy 610 (Field Trips)*  
*MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)*

Policy #: <b>522</b>
Title: <b>STUDENT SEX, GENDER, GENDER IDENTITY NONDISCRIMINATION</b>
Date of Initial Approval: 05-03-2007
Revision/Re-authorization Dates: 01-22-2015; 06-29-2017; 06-12-2018; 06-27-2019; 10-21-2020; 06-02-2021; 06-15-2022
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

**I. PURPOSE**

Students are protected from discrimination on the basis of sex and gender/gender identity pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex, gender, or gender identity.

**II. GENERAL STATEMENT OF POLICY**

- A. The Minnesota State Academies (MSA) provides equal educational opportunity for all students and does not unlawfully discriminate on the basis of sex, gender, or gender identity. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex, gender, or gender identity.
- B. It is the responsibility of every MSA employee to comply with this policy.
- C. The MSA Governing Board hereby designates the Superintendent as its Title IX coordinator. This employee coordinates the MSA efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

**III. REPORTING GRIEVANCE PROCEDURES**

- A. Any student who believes he or she has been the victim of unlawful sex, gender, or gender identity discrimination by a teacher, administrator or other school employee, or any person with knowledge or belief of conduct which may constitute unlawful sex, gender, or gender identity discrimination toward a student should report the alleged acts immediately to an appropriate MSA official designated by this policy or may file a grievance. MSA encourages the reporting party or complainant to use the report form available from the Director of each school or available from the Superintendent's office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex, gender, or gender identity discrimination toward a student directly to a school district human rights officer or to the Superintendent.
- B. At MSAB or MSAD. The Director is the person responsible for receiving oral or written reports or grievances of unlawful sex, gender, or gender identity discrimination toward a student at MSAB or MSAD. Any MSA employee who receives a report of unlawful sex, gender, or gender identity discrimination toward a student shall inform the Director immediately.

- C. Upon receipt of a report or grievance, the Director must notify the MSA human rights officer immediately, without screening or investigating the report. The Director may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the director to the human rights officer. If the report was given verbally, the director shall personally document it into written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex, gender, or gender identity discrimination toward a student as provided herein may result in disciplinary action against the director. If the complaint involves the director, the complaint shall be made or filed directly with the Superintendent or the MSA human rights officer by the reporting party or complainant.
- D. The MSA board hereby designates the MSA's Human Resources Coordinator as the MSA human rights officer to receive reports, complaints or grievances of unlawful sex, gender, or gender identity discrimination toward a student. If the complaint involves the human rights officer, the complaint shall be filed directly with the Superintendent.
- E. MSA shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers
- F. Submission of a good faith complaint, grievance or report of unlawful sex, gender, or gender identity discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. MSA will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the MSA's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### **IV. INVESTIGATION**

- A. By authority of MSA, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex, gender, or gender identity discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by MSA officials or by a third party designated by MSA.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, MSA should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, MSA may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators, or other school personnel pending

completion of an investigation of alleged unlawful sex, gender, or gender identity discrimination toward a student.

- E. The investigation will be completed as soon as practicable. MSA's human rights officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the MSA Governing Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

**V. MINNESOTA STATE ACADEMIES ACTION**

- A. Upon conclusion of the investigation and receipt of a report, MSA will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. MSA action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and MSA policies.
- B. The result of MSA investigation of each complaint filed under these procedures will be reported in writing to the complainant by MSA in accordance with state and federal law regarding data or records privacy.

**VI. REPRISAL**

MSA will discipline or take appropriate action against any pupil, teacher, administrator or other Academies personnel who retaliates against any person who reports alleged unlawful sex, gender, or gender identity discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex, gender, or gender identity discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

**VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

**VIII. DISSEMINATION OF POLICY AND EVALUATION**

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.
- B. MSA shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

**Legal References:**

*Minn. Stat. § 121A.04 (Athletic Programs; Sex, Gender, or Gender Identity Discrimination)*  
*Minn. Stat. Ch. 363A (Minnesota Human Rights Act)*  
*20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)*  
*34 C.F.R. Part 106 (Implementing Regulations of Title IX)*

**Cross References:**

*MSBA/MASA Model Policy 102 (Equal Educational Opportunity)*  
*MSBA/MASA Model Policy 413 (Harassment and Violence)*

*MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)*

**Appendices:**

*Appendix 522-A (Report Form)*

Policy #: <b>806</b>
Title: <b>CRISIS MANAGEMENT</b>
Date of Initial Approval: 03-22-2016
Revision/Re-authorization Dates: 10-18-2017; 06-12-2018; 05-17-2023
Reviewers: MSA Human Resources; MSA Superintendent; Continuity of Operations Plan (COOP) Coordinators

## I. PURPOSE

The purpose of this Crisis Management policy is to act as a guide for agency and building administrators, school employees, students, board members, and community members to address a wide range of potential crisis situations at the Minnesota State Academies (MSA), on both campuses – MSAB and MSAD. This policy will provide guidance to MSA in developing crisis management plans to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation.

MSA will, to the extent possible, engage in ongoing emergency planning within the agency and with first responders and other relevant community organizations. MSA will ensure that relevant first responders in the community have access to their building-specific crisis management plans and will provide training to agency staff to enable them to act appropriately in the event of a crisis.

## II. GENERAL INFORMATION

### A. Crisis Response Manual

MSA's Crisis Response Manual has been created in consultation with local community response agencies and other appropriate individuals and groups that would likely be involved in the event of a school emergency.

MSA's administration and/or the directors of each campus shall create and update tailored building/site-specific crisis management plans. The building/site-specific crisis management plans will include general crisis procedures and crisis-specific procedures. The manual will be maintained and updated on a regular basis.

### B. Crisis Response Manual

MSA's Crisis Response Manual addresses the following crisis:

1. Medical Emergencies
2. Severe Weather
3. Fire
4. Evacuation; Relocation
5. Lockdowns
6. Shelter In Place
7. Intruder; Armed Intruder; Hostage
8. Suicide Threats/Attempts; Self-Injurious Behavior
9. Missing/Abducted Students
10. Assault; Sexual Assault
11. Demonstrations; Fights/Disturbances; Weapons

12. Hazardous Materials; Radiological/Nuclear Attacks; Explosions
13. Bomb Threats

MSA administrators have identified five main situations that are addressed via drills and table-top scenario discussions throughout the year.

1. Lockdown
2. Shelter In Place
3. Severe Weather
4. Evacuation/Relocation
5. Fire

Those situations are addressed in the “Guide to Emergency Procedures” which is posted in all areas where there may be students or staff at any time during the week. The Guide to Emergency Procedures is a quick reference tool available to assist staff in the event of a possible crisis. However, all staff should be familiar with the full procedures listed in the Crisis Response Manual.

All building/site-specific crisis procedures will address specific procedures for children with special needs such as physical, sensory, motor, developmental, and mental health challenges.

C. School Emergency Response

The first person present at the onset of an incident is the Person in Charge (PIC). As the event grows and more qualified people arrive at the scene – the PIC may change until there is an Incident Commander who can manage the incident using the Incident Command System. The Incident Command System is outlined in the Crisis Response Manual.

### III. PREPARATION BEFORE AN EMERGENCY

A. Communication

- MSA Employees: All staff shall be made aware and know how to apply the Crisis Response Manual and the Guide to Emergency Responses.
- Students: Students will participate in periodic drills and tabletop scenario discussions throughout the year to learn and apply proper responses to different crisis situations.
- Parents: Parents will be made aware of MSA’s Crisis Management Policy and regularly informed of drills/tabletop discussions as they happen throughout the year.

B. Training and Preparation for Emergencies

- MSA administrators will ensure proper training and response preparation for emergencies on an ongoing basis. Administrators are responsible for training school employees and students on emergency response procedures at each campus annually.
- Required school safety drills are coordinated and documented at each campus by the directors.
- MSA has prearranged sites for emergency sheltering and transportation

as needed. The emergency sheltering locations are identified in MSA's Crisis Response Manual.

C. Facility Diagrams and Site Plans

All school buildings have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.

D. Emergency Telephone Numbers

Each building maintains a current list of emergency telephone numbers and the names and addresses of local, county, and state personnel who may be involved in a crisis situation. MSA has systems to communicate an emergency including texts, e-mail distribution lists, intercom systems, and cell phones. Emergency phone numbers are listed in MSA's Crisis Response Manual.

E. Warning Systems

MSA shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings.

F. Early School Closure Procedures

The Superintendent (or on-call supervisor) will make decisions about closing school or buildings as early in the day as possible. The decision will be communicated to staff, students, parents/families, and the school community as soon as feasible and will include the factors to be considered in closing and reopening a school or building.

The Superintendent (or on-call supervisor) has the authority and discretion to notify parents/guardians and the school community in the event of a crisis or early school closure. The Superintendent (or on-call supervisor) will designate a spokesperson who will communicate with the media in the event of a crisis or early school closure.

G. Grief/Trauma Counseling

As needed, grief/trauma counseling will be provided after crisis situations as determined by the superintendent (or on-call supervisor). Available resources include MSA psychologists, counselors, community grief counselors, or others in the community.

**IV. ADDITIONAL INFORMATION**

A. Visitors

MSA has procedures mandating all visitors sign in when entering a school building and has implemented procedures to minimize outside entry into school buildings except at designated check-in points. This is designed to ensure that visitors are included in crisis responses.

B. Long-Term Recovery Intervention Procedures

MSA has a Continuity of Operations Plan (COOP) that involves Long-Term Recovery Intervention Procedures. This may include:

1. Physical/structural recovery.
2. Fiscal recovery.
3. Academic recovery.
4. Social/emotional recovery

**Legal References:**

*Minn. Stat. Ch. 12 (Emergency Management)*

*Minn. Stat. § 121A.035 (Crisis Management Policy)*

*Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)*

*Minn. Stat. § 299F.30 (Fire Drill in School)*

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

*Minn. Rules Ch. 7511 (Fire Safety)*

*20 U.S.C. § 1681, et seq. (Title IX)*

*20 U.S.C. § 6301, et seq. (Every Child Succeeds Act) S.1177*

*20 U.S.C. § 7912 (Unsafe School Choice Option)*

*42 U.S.C. § 5121 et seq. (Disaster Relief and Emergency Assistance)*

**Cross References:**

*MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)*

*MSBA/MASA Model Policy 413 (Harassment and Violence)*

*MSBA/MASA Model Policy 501 (School Weapons Policy)*

*MSBA/MASA Model Policy 506 (Student Discipline)*

*MSBA/MASA Model Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)*

*MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)*



# Parent-Student Handbook 2025-2026 School Year

**Achieve • Care • Thrive**

## **MSA Administration/Main Contacts**

<b>Superintendent's Office</b>		
Terry Wilding	Superintendent	507-384-6601/507-412-4200 (VP)
Kim Barron	Executive Aide (Board/Superintendent)	507-384-6602/507-400-6088 (VP)
<b>MSAB Main Office</b>		507-384-6700
John Davis	MSAB Campus Director	507-384-6701
Sarah Allen	MSAB Paraprofessional Supervisor	507-384-6773
Heidi Cole	MSAB Administrative Assistant	507-384-6761
<b>MSAD Main Office</b>		507-384-6600/507-412-5129 (VP)
VACANT	MSAD Campus Co-director	507-412-5176 (VP)
Jody Olson	MSAD Campus Co-director	507-412-5198 (VP)
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<b>Shared/Support Services (Both Campuses)</b>		
Student Life:		
Nichelle Steffen	Director of Student Life	507-412-5201 (VP)
Hope Miller	Student Life Programs Coordinator	507-384-6671/507-412-5185 (VP)
Student Support Services/Special Education:		
Brittany Thomforde	Director of Student Support Services	507-384-6677
Mandy Beucler	SSS Administrative Assistant	507-384-6704/507-205-3309 (VP)
Curriculum and Educational Programs/Enrollment:		
Justin Cyboron	Director of Educational Programs	507-384-6649/507-412-5201 (VP)
Donna Hanson	Ed. Programs Administrative Assistant	507-384-6618/507-412-5088 (VP)
Health Services:		
Kimberly Viskocil	Director of Health Services	507-384-6611
MSAB Health Office		507-384-6747
MSAD Health Office		507-384-6612/507-412-5191 (VP)
Other Shared Services:		
Heather Smisek	Director of Human Resources	507-384-6603
Amber Miller	Director of Fiscal Services	507-384-6605
MSA Student Accounts		507-384-6608
Kathy Hamlin	Director of Nutrition Services	507-384-6614
Dan Haugen	Director of Physical Plant Operations	507-384-6770

*\*Email addresses for all individuals listed above are firstname.lastname@msa.state.mn.us*

## Table of Contents

### **A. SECTION I: OVERVIEW**

- A. History
- B. Foreword
- C. MSA Board
- D. Vision, Mission, and Guiding Beliefs
- E. Ensuring Belonging for Everyone

### **B. SECTION II: POLICIES, REGULATIONS, AND PROCEDURES**

A. Academics.....	23
B. Classes at Faribault Public Schools.....	25
C. Post-Secondary Enrollment Options (PSEO) classes.....	25
D. MSA Online Academy Classes.....	26
E. Rules of Conduct.....	26
F. Possible Criminal Offenses.....	26
G. Attendance.....	27
H. Field Trips.....	29
I. Athletics and Extracurricular Activities.....	30
J. Dress Code.....	33
K. Drug Free and Alcohol-Free Environment.....	35
L. Tobacco – Smoke Free Campus.....	36
M. Computer/Internet/E-Mail Use.....	36
N. Locker Searches, Room Searches, and Body Searches.....	39
O. Sexual Activity, Pornography, Physical Displays of Affection, and Dating.....	39
P. Transportation.....	40
Q. Student Vehicles.....	41
R. Student Bicycles, Skateboards, and Rollerblades.....	42
S. Weapons.....	42
T. Self-Destructive Behaviors or Statements/Threat to Harm Others.....	42
U. Tennesen Warning.....	43
V. Corrective Measures.....	43

F. Student Rights and Responsibilities.....	9
G. School Discipline Philosophy.....	10
H. School Discipline Philosophy for Young Children.....	10
I. Students' Individual Education Program and Due Process.....	11
J. IEPs/IFSPs and Student Discipline.....	11
K. Positive Behavior Intervention Services for Residential Students.....	12
L. Jurisdiction over Students.....	13
M. School Authority over Non-students.....	13

### **C. SECTION II: CODE OF CONDUCT**

A. Code of Conduct.....	14
B. Notification of Rights (FERPA).....	14
C. Notice and Consent/Opt-Out for Specific Activities.....	15
D. Minnesota State Assessments.....	15
E. Age of Majority Guidelines.....	16
F. Complaint Procedure for Parents/Guardians.....	16
G. Student Expression.....	16
H. Student Clubs and Groups.....	17
I. Fees and Financial Responsibility.....	20
J. Emergency Notification.....	20
K. Emergency Procedures.....	20
L. Inclement Weather.....	20

M. Visitors.....	21
N. Transportation to/from School.....	21
<b>D. SECTION IV: HEALTH AND NUTRITION SERVICES</b>	
A. Health and Wellness Activities.....	45
B. Nutrition and Food Services.....	48
<b>E. SECTION V: INFORMATION SPECIFIC TO MSAB</b>	
A. Curriculum and Special Programs.....	50
B. Graduation Requirements.....	50
C. Recreation/After School Activities.....	51
<b>F. SECTION VI: INFORMATION SPECIFIC TO MSAD</b>	
A. Graduation Requirements, Registration, and Honor Roll.....	53
B. Hall Passes.....	54
C. Lockers.....	54
D. Early Childhood Students.....	54
<b>G. SECTION VII: MSA STUDENT LIFE PROGRAMS</b>	
A. General Goals of the Residential Program.....	56
B. Dormitory Facilities.....	56
C. Dormitory Expectations and Rules/Regulations.....	57
D. Dormitory Schedules and Activities.....	60
E. Off Campus Guidelines.....	61
F. Student Responsibilities in the Dormitories.....	62
<b>H. SECTION VII: MSA POLICIES RELEVANT TO THIS HANDBOOK</b>	
A. List of Policies and Links.....	65

## **Section I: Overview**

### **A. History**

Established by the Minnesota State Legislature in 1858, the Minnesota State Academies oversees two of the oldest public schools in the state: The Minnesota State Academy for the Deaf which opened its doors in 1863, and the Minnesota State Academy for the Blind which started serving students in 1866. Both academies work together to provide a comprehensive and accessible educational environment for students who are deaf, hard-of-hearing, deaf-blind, blind, or have low vision, students from birth through age 22.

### **B. Foreword**

This handbook is provided to parents, students, and staff at the Minnesota State Academies. It provides basic information about our school programs, service, and everyone's rights and responsibilities. We hope that this handbook helps you understand how our academies work and supports us in providing a safe and respectful environment for learning. If you have any questions or need help understanding something in this handbook, please contact one of our campus directors.

Full copies of MSA policies are available on the MSA website.

<https://www.msa.state.mn.us/administration/policies>

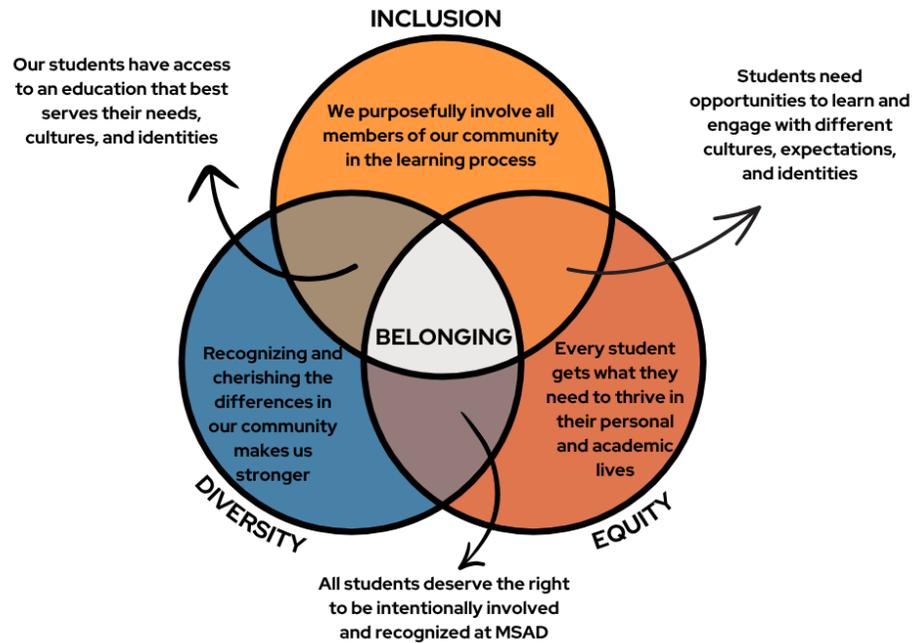
### **C. Minnesota State Academies Board**

The Minnesota State Academies Board oversees all policies and programs at MSA. The board is composed of 7 voting members and more information about their officers and operations can be found at <https://www.msa.state.mn.us/administration/governing-board>

### **D. MSA's Vision, Mission, and Guiding Beliefs Statements**

The Minnesota State Academies (MSA) are guided by our vision, mission, and guiding beliefs when making decisions about our instructional activities, educational programs, and policies/procedures. The full text of our vision, mission, and guiding beliefs can be found at <https://www.msa.state.mn.us/about-us/vision-mission> .

## E. Ensuring Belonging for Everyone (needs edited picture from RJ)



**Every student's unique identity is valued and respected**

This framework conceptualizes our commitment to upholding our values of diversity, equity, and inclusion throughout our school system. We recognize that the process of upholding these values requires unlearning deep-seated beliefs that contribute to discrimination, marginalization, and prejudice. We are committed to re-learning a belief system that fully values and respects the continuum of the diverse human experience, while also disrupting systems that uphold these marginalizations.

- MSA supports and affirms all identities in our community. These include but are not limited to all races, ethnicities, genders/gender identities, religions, and **members of the LGBTQIA, disability, and neurodiverse individuals/communities**. We also recognize that identities are intersectional and understanding how they overlap is critical to creating an inclusive and equitable environment for everyone.
- We are focused on fostering belonging through our learning and collective accountability. We strive to go beyond simply teaching our students not to discriminate—we work to cultivate leaders who advocate for themselves and others, embrace alternative ways of knowing, and foster a sense of belonging through culturally responsive practices and strengthened relationships.
- We recognize that identity exists at the intersection of multiple, evolving dimensions, and that our society is becoming increasingly complex and multi-layered. To prepare students to thrive in and contribute to this diverse world, we are committed to creating an educational environment that centers diversity, equity, inclusion, belonging, and the affirmation of all identities, and to creating an environment where students can learn, repair, and take responsibility for their mistakes in a restorative, non-punitive way.

## **SECTION II: School Policies, Regulations, and Procedures**

### **A. Academics**

#### **Grading Policy:**

Grades or letters will be used on report cards to designate student performance. Final grades will be based on student performance on summative evaluations. Examples of summative evaluations include but are not limited to projects, labs, speeches, papers, videos, podcasts, quizzes, classroom tests, final projects/final exams. Students will be permitted to relearn and reassess their skills in all classes. Formative assessments such as checks for understanding and/or homework will not count towards a student's final grade.

With special permission, some classes may be graded on a pass/fail basis. Grades for these classes are recorded on report cards and transcripts as "P" or "F." Grades and letters are used to indicate student performance using the following percentages:

#### **Academic High School and Middle School Grading**

<b>Grade</b>	<b>Lower</b>	<b>Upper</b>	<b>Value</b>	<b>PSEO &amp; AP Value</b>
<b>A</b>	<b>93</b>	<b>100</b>	<b>4.00</b>	<b>4.50</b>
<b>A-</b>	<b>90</b>	<b>92</b>	<b>3.67</b>	<b>4.17</b>
<b>B+</b>	<b>87</b>	<b>89</b>	<b>3.33</b>	<b>3.83</b>
<b>B</b>	<b>83</b>	<b>86</b>	<b>3.00</b>	<b>3.5</b>
<b>B-</b>	<b>80</b>	<b>82</b>	<b>2.67</b>	<b>3.17</b>
<b>C+</b>	<b>77</b>	<b>79</b>	<b>2.33</b>	<b>2.83</b>
<b>C</b>	<b>73</b>	<b>76</b>	<b>2.00</b>	<b>2.50</b>
<b>C-</b>	<b>70</b>	<b>72</b>	<b>1.67</b>	<b>2.17</b>
<b>D+</b>	<b>67</b>	<b>69</b>	<b>1.33</b>	<b>1.83</b>
<b>D</b>	<b>63</b>	<b>66</b>	<b>1.00</b>	<b>1.50</b>
<b>D-</b>	<b>60</b>	<b>62</b>	<b>0.67</b>	<b>1.17</b>
<b>F</b>	<b>0</b>	<b>59</b>	<b>0.33</b>	<b>0.83</b>

#### **Pass/Fail Grading**

*(Only for specific students/classes identified in students' IEPs)*

<b>Grade</b>	<b>Lower</b>	<b>Upper</b>
<b>Pass</b>	60	100
<b>Fail</b>	0	59

#### **Grading for ECE/Elementary School and Special Programs**

Students in Early Childhood/ Elementary School and self-contained classrooms/programs will utilize standards-based grading.

#### **Transfer Credits:**

Students who transfer to MSA from another high school program must submit an official transcript as a part of the admission process. This transcript will be reviewed, and the student and their parents/guardian will be informed of the number of credits approved for transfer in the acceptance letter. MSA will accept only transfer credits for courses completed in grades 9 through 12.

### **Progress Reports/Report Cards:**

Student progress, effort, and conduct are evaluated and reported each semester through report cards and IEP progress reports. Report cards are sent to parents/guardians to provide formal information about student performance at the end of each semester. IEP progress reports and report cards are sent out at the end of each semester.

Report cards are periodic records of student performance. Information from high school report cards is transferred to student transcripts, which are part of the official and permanent record of a student.

Monthly communication is shared with parents/guardians only when the students earn a "D" or an "F" in a class.

### **Incomplete Grade(s):**

If a student receives an incomplete grade ("INC") on their report card, up to two weeks are allowed for the student to make up needed work to receive credit for the course. If the required work is not made up after two weeks, the incomplete grade will be changed to an "F."

### **Homework:**

Teachers regularly assign students homework and expect that the students will complete that homework. All homework will be checked for completion and comprehension and may be used as a partial basis for determining class grade.

In general, high school students should have between forty-five minutes and two hours of homework nightly. Homework may be assigned over weekends and at other non-class times. Students are expected to complete homework neatly, on time, and to the best of their ability. Following the maxim "School Comes First," excuses such as after-school activities or athletic events are not acceptable.

### **Plagiarism and Cheating:**

Plagiarism is the taking of another's words or ideas and passing them off as one's own and failing to give credit or recognize the source of the words or idea. Plagiarism is stealing ideas and lying about them. MSA does not tolerate plagiarism of any sort, including, but not limited to the following misdeeds: claiming another's work as one's own; copying directly from a source; "cut/copy and paste" from electronic sources (i.e., the Internet); changing words but retaining the crux of the idea; and failing to give credit to the source.

Cheating is the act of receiving or giving answers on a quiz, test, daily assignment, or major assignment, such as a research paper.

If a student plagiarizes or cheats, they will receive an "F" for the quiz or test. In the case of a major project or research paper, an "F" for the course will be assigned until the student completes the major assignment under teacher supervision. Additional incidents may result in an "F" for the course, detention, or other corrective actions determined by the teacher and/or the Director. Parents will be informed immediately whenever that happens.

### **Food/Drinks:**

In accordance with MSA Policy #533 (Wellness – Nutrition and Physical Activity), food is not permitted in any K-12 classroom except by special permission of the Director. Nutritional snacks are provided to all students once daily from the student nutritional department.

Food is permitted in classrooms only for special occasions, scheduled activities, or when used as part of instructional lessons. No food is allowed to be brought into the classroom from home for birthdays, etc. due to nutritional safety concerns.

**We are a Nut Aware campus which means that everyone must consider peanut/nut alternatives for individual students and staff meals and snacks out of consideration to our**

students with severe, life-threatening allergies. Because of the seriousness of those allergies, we ask everyone to refrain from sending/bringing peanut or tree nut products to school. Due to shared lunch tables and chairs as well as the ease with which food residue is transferred, we are also keeping our dining rooms “peanut/tree nut free” so any products brought within student/staff lunches into the dining rooms must adhere to this expectation.

Students may not possess carbonated or flavored beverages of any kind during school hours.

Middle School and High School students may have snacks or water in hallways between classes but must keep areas clean and must not be late for class. Water bottles are permitted in classrooms in designated areas.

Students are allowed to order meals for delivery/takeout only for supper (at their own expense). Students are encouraged to communicate their plans with their dorm staff in advance so that information can be shared with the cafeteria staff.

### **Student ID/Access Cards:**

Students in grades 6 – 12 will be assigned a student ID/access keycard. The keycards are to be used for access to our campus buildings. Students are required to wear their keycard while on campus.

- Lost, misplaced, or damaged keycards must be reported immediately to the campus director. Replacement keycards will cost ten dollars and be at the expense of the student.
- Students cannot use their keycard to allow access for other people.
- Students cannot share their ID/access keycards with others.

### **B. Classes at Faribault Public Schools**

Students at MSA may choose to take classes at a public school within the Faribault school district. If interested, students and parents/guardians should contact the Director or their child’s case manager to begin the discussion during their child’s IEP meeting. Students and parents/guardians must communicate with their director in advance of the registration deadlines in order to take classes for the following semester.

#### **Things to remember about taking classes at Faribault public schools:**

- Classes are counted as part of coursework toward graduation.
- Priority is given to core classes when scheduling.
- Transportation is provided to and from MSA. Students are not allowed to drive vehicles during the school day, nor are they permitted to ride in other students’ vehicles. Exceptions may be granted only by the Director with a signed agreement with the student and parents. Students must be on time for the bus. If they miss the bus, they must immediately report to their Campus Director’s office. Students will have to work with the director to figure out alternative transportation to their class.
- Note-takers, interpreters, Braille, and other support services are available for all classes.
- Students are expected to attend their Faribault Public School classes regularly. Generally, attending classes takes precedence over attending school activities/events. Therefore, students will be expected to attend classes as scheduled. Permission must be granted by the campus directors before missing any classes.
- School calendars for MSA and Faribault public schools do not always match. When a public school is in session and MSA is not, students are strongly encouraged to attend classes. MSA will support the student in planning for those days when FPS is in session. Students are expected to attend their Faribault Public School classes on days when MSA is not in session or take responsibility for making alternate plans with their teachers.

- If students know they are going to miss class because of an event at MSA, the students must directly inform the MSA-FPS coordinator. It is students' responsibility to get assignments ahead of time. All missed work must be completed and turned into the FPS teacher without exception.
- It is the students' responsibility to be aware of schedule changes and communicate with the MSA-FPS coordinator.

Please refer to MSA Procedure #5015 for details about this process and all other rules/regulations related to taking classes at the Faribault Public Schools.

### **C. Post-Secondary Enrollment Options (PSEO) Classes**

10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grade students at MSA may also choose to take college classes to earn college credits while still in high school. If interested, students and parents/guardians should contact their director or case manager [for information about this program](#).

Students interested in taking PSEO classes must meet certain criteria and register for classes before specified deadlines. Please refer to MSA Procedure #5016 for details about this process and all other rules/regulations related to taking PSEO classes.

Credits towards graduation requirements earned via PSEO classes are calculated at a 4:1 ratio (4 credits of PSEO/College credits = 1 credit towards HS graduation)

### **D. MSA Online Academy Classes**

Enrolled students in the program will be responsible for following MSA's Parent-Student Handbook with specific stipulations outlining daily attendance, assignment submissions, course completion, and the relationship between MSA and the student's resident district. Details of such stipulations will be shared at the beginning of the course with the student and their parents/guardians.

### **E. Attendance**

Children up to age 16 are required by state law to attend school. School attendance is a joint responsibility to be shared by the student, family, and MSA staff. We value student learning, and it is vital for students to be in school to ensure student success. Parents are required by law to ensure the regular attendance of their children. Students who are 18 years of age or older must follow the same attendance procedures as all other students.

School-related absences from classes such as student assemblies, athletic/academic events, and/or other educational activities are not considered absences from class.

#### Student Responsibility:

Students are required to attend school each day school is in session and to attend all scheduled classes and/or required programs.

#### Family Responsibility:

It is the responsibility of the family to ensure the student attends school, to inform the main office in the event of a student absence or tardiness, and to collaborate with the school to address student attendance concerns that may occur. Please report absences to the school secretary as soon as possible on the days of absence at the following numbers/email address:

- **MSAB: 507-384-6700**
- **MSAD: 507-384-6600**
- **[MSAAttendance@msa.state.mn.us](mailto:MSAAttendance@msa.state.mn.us) (both campuses)**

### Teacher Responsibility:

It is the teacher's responsibility to maintain accurate attendance records, start and end each class on time, and communicate attendance concerns with students, families, IEP team members, and administration.

### School Responsibility:

It is the responsibility of the school to inform the family of any student attendance concerns and to collaborate with the family to interrupt patterns of student absences. Final decisions regarding excused/unexcused absences are made by campus directors.

### Procedure for Excusing a Student's Absence:

- In order to excuse absences for all or any part of a school day, parents/guardians must notify the school on the day of the absence via email or phone call. If parents/guardians are unable to notify the school on the day of the absence by 8:30 AM, the school will contact parents/guardians to verify the student's absence.
- Parents of residential students may provide notification to staff in their child's dormitory the night before an anticipated absence. Parents must notify the dormitory if their child will not be returning on Sunday night (or designated return day).
- If a student becomes ill during the day, parents/guardians will be notified by the Health Office immediately to arrange pick-up plans.
- If the student is absent three (3) or more consecutive days, the parent/guardian must send in a written doctor's excuse. When the student returns to school, a written note is required to explain the absence. That is to help determine whether the absence is excused or unexcused.
- For extended absences (more than one week) due to illness, parents will need to send a written note from a doctor. Parents/guardians and district will be notified of consecutive absences. As per state guidelines, if a student is absent fifteen consecutive days without an excuse, on the sixteenth day, the student will be disenrolled.

### Prearranged Absences:

If students plan to be absent for more than five consecutive days (i.e., traveling on a family trip), prior approval of an administrator is required for the absence to be excused. The final decision as to whether absences are excused rests with school administration.

### Excused Absences:

Excused absences allow students to make up and receive credit for missed work within a reasonable amount of time. As attendance is vital for student success, we encourage families to limit the number of absences to less than 6 absences per semester. Reasons that absences might be excused are listed below:

- Student illness (*if a student is absent for more than three or more consecutive days, doctor's note must be submitted to the Director's office*)
- Medical or dental appointments (*families are encouraged to minimize the impact of those appointments by scheduling appointments during scheduled school breaks and/or at the end of the day so that the student does not need to miss the entire day of school*)
- Death in the family
- College visits approved by the Director
- Court appearances
- Religious observances
- Special activities involving family members (*e.g., weddings, graduations*)

Absences for reason other than those listed above will be cited as "unexcused." Every time a student has an unverified absence, the school will contact the parents/guardians. Excessive absences will be reported to the appropriate educational agency and the parents.

### Parent Notifications:

- After the third absence (excused or unexcused), parents/guardians will be contacted about the student's attendance.
- After the fifth absence (excused or unexcused), parents/guardians and the student will be required to attend a meeting to discuss ways to improve attendance. A plan to improve attendance will be implemented and reviewed each month until the student is able to maintain two consecutive months of regular attendance.
- After the sixth unexcused absence, parents/guardians and the student will be required to participate in an IEP meeting to discuss concerns regarding the pattern of non-attendance and support that might be missing from the student's current plan.

### Absences due to suspensions:

- If a student is assigned in-school or out of school suspension, make up work is allowed for credit. If a student's Individual Education Plan (IEP) includes an alternative plan, the IEP will override school policy.
- Absences resulting from official in-school or out-of-school suspensions will be handled in accordance with the Pupil Fair Dismissal Act, MN Statute 121A.40-121A.56. For these suspensions, students are allowed to make up their work for credit. Also, days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.

### Truancy:

A student is considered truant if they have more than three unexcused absences. Upon a child's truancy as explained above, the director shall notify the child's school district, county of residence, and parent/legal guardian of the truancy, including subsequent absences, following procedures established by MSA and IEP/IFSP guidelines.

### False Excuses:

False excuses provided by students will be handled at the discretion of the Director. Appropriate consequences will be determined and communicated with the student/family.

### Tardiness/Skipping Class:

If a student arrives at class after the class period has begun, the student is considered tardy. Students will have consequences for repeated tardiness and/or skipping class as determined by the director.

### Make-up Work:

Students who miss work (including assignments, labs, and exams) because of an excused absence will have an opportunity to make up the work. However, it is the student's responsibility to collect the work that was missed upon their return while keeping up with ongoing course requirements. The work must be completed and turned into the teacher based on a mutually agreed upon timeline. Failure to make up work will result in no credit being given for that work. Students with unexcused absences will not be allowed to earn credit for the work missed.

If a student is absent from school for three or more days due to illness or a suspension, work may be collected from the teachers and sent to the student to complete at home. Students who are absent for less than three days should collect the work missed during their absence from their teachers upon their return to school. Make-up work will be accepted for credit if completed within a reasonable period of time (calculated by the teacher based on the number of days absent from school and the amount of work required to catch up). The work must be completed and turned into the teacher based on a timeline established by the teacher to get a grade.

**Late Arrival:**

Students arriving late to school, parent/guardian (or designee that is on approved list filed in student central file) must sign in with the student at the main office to get a pass to go to school.

**Procedures for Student Sign-Out/Parental Pick-up/Appointments:**

If a parent needs to pick up a student during the school day, the parent must sign out the student at the main office. Students going to appointments independently must receive permission from the Director beforehand. If the parent picks up the student from the Health Office, the school nurse will inform the main office.

**Arrival/Pick-Up Times:**

Day students are to be dropped off at school at 7:45 a.m. and picked up at 3:00 p.m. On Fridays, students need to be picked up at 2:00 p.m. **If students need to be dropped off earlier (i.e., at 7:30) students must be dropped off at designated locations determined by the campus director. Current Locations are: MSAB – Cafeteria; MSAD ECE students – ECE lunchroom; MSAD Elementary, Middle, and High school students – Rodman Cafeteria.**

Parents are responsible for informing the school through phone or email before 11:00 AM if their child has any changes to after school plans (transportation, after school program, athletic events, etc.).

If day students wish to eat in the cafeteria, they should be dropped off at the cafeteria on the MSAD campus, or at the front doors of the MSAB campus. Students wishing to eat breakfast should arrive in the cafeteria prior to 7:45 a.m. **There are no meal charges for students who wish to eat breakfast on campus.**

Students participating in after-school programs must sign up with the student life activities coordinator and pay applicable fees. Parents are responsible for transportation arrangements after after-school programs and/or athletics. **Day students who stay on campus for supper must purchase a meal ticket unless they are participating in evening activities (dorm or athletics).**

**F. Field Trips and School Activities**

Field trips are an important aspect of MSA's educational programs to support the social-emotional, academic, orientation/mobility, and language/communication skills of our students. Visits to various museums, government offices, historic sites, and so forth are an integral part of the program. Students are expected to follow the Code of Conduct and the Dress Code while on field trips. The director approves all field trips. Parents will be asked to sign one permission form for all activities at the beginning of the school year. Parents will not receive permission forms specific to each activity but will be informed via regular teacher-parent communication regarding times when students will be on field trips.

**Our school community values diversity and inclusivity. Throughout the year, we may host activities related to a variety of celebrations/holidays that reflect the cultural and/or religious traditions of our students, families, and staff. These activities are educational in nature and aim to promote understanding and respect for different cultures and beliefs as well as providing opportunities to develop social and language skills. Participation in those activities is always optional. For students who choose to opt out, we will provide alternative activities that are respectful and engaging. Families are encouraged to communicate with school staff if they have questions or wish to discuss accommodations related to specific celebrations/holidays.**

**G. Minnesota State Assessments**

The State of Minnesota mandates that all students must meet the standards set forth by the Minnesota Department of Education and requirements established by the federal government. Students take state tests in reading, writing, math, and science as determined by the state testing schedule.

The Minnesota Comprehensive Assessments (MCAs) are the state tests that help districts measure student progress toward Minnesota's academic standards. Reading and mathematics tests are given in grades 3-8, 10 and 11. Science tests are given in grades 5 and 8 and once in high school, depending on when students complete their life sciences curriculum.

The Minnesota Test of Academic Skills (MTAS)/Alt MCA is an Alternate Assessment for students with the most significant cognitive disabilities in reading, math, and science. The MTAS measures skills that are linked to the general education curriculum. These skills represent high expectations for students with significant cognitive disabilities but are also significantly less difficult than skills measured on the Minnesota Comprehensive Assessment.

No later than October 1 of each year, MSA administrators will post testing dates on each campus' website. Parents who wish to opt their student out of taking state testing should contact the MSA administration.

#### **H. Age of Majority Guidelines**

Permission requirements have been established by MSA for students who have reached 18 years of age (the Age of Majority). Parental permission is required for students under the age of majority. For students who have reached 18 years of age, they are responsible for granting permission, signing forms, and so forth unless parents have obtained legal guardianship. However, parents will still have access to educational records and information unless the student is no longer a dependent.

#### **I. Student Expression**

MSA has established rules and guidelines for student expression within MSA Policy #512. The policy can be found on the MSA website.

#### **J. Student Clubs and Groups**

MSA guidelines for school-sponsored clubs and groups, school-recognized clubs and groups, and non-school organizations can be found in MSA Procedure #5202. If students wish to establish a new student club or organization, please consult with the campus director for guidance.

#### **K. Emergency Notification**

To maintain accurate student records, parents/guardians must complete emergency contact forms at the beginning of each school year. The information must include the name and address of a friend or relative who can be contacted in case of an emergency. **Any changes that occur during the school year must be reported to the school office so information can be updated.**

#### **L. Emergency Procedures**

MSA has a set of Crisis Response Procedures that are designed to respond to various situations, crises, or disasters. Drills are routinely scheduled for fire, tornado, and lockdowns.

#### **M. Self-Destructive Behaviors and/or Statements**

Emergency procedures are implemented immediately when a student demonstrates suicidal behavior or makes suicidal gestures or statements. Members of the Student Support Services, dormitory staff, Health Services staff, and/or the administration will assess the student's need for emergency intervention, following steps outlined in MSA Procedure #5101. If an emergency situation is indicated, the student will be referred to a nearby hospital for a psychiatric evaluation based on assessment information. Parents/guardians will be notified immediately and will arrange for the student's voluntary admission to the hospital if it is certified by the hospital that inpatient hospitalization is necessary.

During and after hospitalization, parents are responsible for obtaining hospital/agency reports and/or providing written consents for agency staff to share reports with the Student Support Services. Parents are also responsible for contacting the Director after discussing student status with the agency/hospital regarding student service needs or discharge recommendations.

Prior to re-entry to the school program and/or dormitory, it is critical that MSA determine whether the student is a danger to self or others. A readmission meeting with the student and the parent/guardians must occur to decide how to best support the student upon their return. **Parents should bring documentation from their doctors to share during this meeting. If additional services, IEP modifications, and/or interventions are needed, an IEP meeting may be necessary.** The student will be readmitted only when school administrators have reasonable reassurance that the student is not a danger to self.

#### **N. Inclement Weather**

As weather conditions vary greatly across the state of Minnesota, MSA will work with school districts transporting students to make decisions regarding safe travel to and from MSA. When district transportation for a student is not provided, or if the parent determines travel to the Academies is unsafe due to weather conditions, the student's absence will be excused. Parents are encouraged to contact the local transportation provider as early as possible to obtain up-to-date information.

**Parents must also communicate with the front office if your child will not be in school that day.** Students are encouraged to contact their teacher for work that may be done at home to keep them current with their assignments. On many occasions when Faribault Public Schools and/or nearby school districts are closed, MSA often remains open due to students residing on campus. On those days, parents have the option to drop off their children at school if they desire to do so.

- If inclement weather conditions exist in Faribault on the day that students are scheduled to return to MSA, the superintendent may close the Academies until safe weather conditions return.
- If inclement weather conditions are anticipated in the Faribault area, school districts may be contacted by the Academies and encouraged to pick up students early. Alternatively, MSA may consider offering the option of allowing students to remain on campus over the weekend.
- If inclement weather conditions are anticipated in the home district area, transportation companies will work with MSA to determine the best course of action, ranging from changes in schedule to having students remain on campus. School districts maintain responsibility for notifying parents of alternate bus schedules.
- If inclement weather conditions exist which prevent school districts and parents from picking up their students, arrangements will be made for students to remain in the dormitories.

If the academies need to be closed for any reason, information will be sent out to parents utilizing email/text messages through our BrightArrow messaging system. Parents/guardians are responsible for ensuring that their contact information is updated with our campus administrative assistants.

#### **O. Visitors**

MSA welcomes parents and family members to visit the Academies. During school hours, to minimize classroom disruptions and provide appropriate accommodations as necessary, **all visitors must be approved by the campus directors in advance.**

All visitors, including guest presenters, individuals attending meetings, etc. will be given visitor badges for the duration of their stay and must sign in/sign out with the administrative assistant located in each school building. Any unknown person without a visitor's badge will be reported to an administrator or other available staff members for follow-up action.

Parents/Guardians are responsible for informing the director's office **with copies of** restraining orders or legal orders barring other person(s) from access to their child while at MSA. All such records will be maintained in both the school and the dorm offices. The director's office will notify appropriate staff that such information is on file.

**During school hours:** All visitors must report to the main building office. The director's office will help visitors locate students or schedule classroom visits. Students will not be called out of class without permission from the director. Visitors must take care not to disrupt any classroom activities.

**After school hours:** Visitors must report to the student life office. Visitors who want to visit after school hours must first contact the student life director's office to receive permission and make arrangements.

## **P. Athletics and Extracurricular Activities**

### **Eligibility:**

MSAD is a member of the Minnesota State High School League. As such, MSAD follows the rules and guidelines of the league, even with sports that are not sanctioned by MSHSL (i.e., six-man football). These rules and guidelines include specifics about participation in sports and other extracurricular activities. MSAB athletics follows the same general guidelines for participation but does not participate in MSHSL competitions. MSAB students who participate in COOP sports must abide by MSHSL rules and guidelines established by the cooperative school.

To be eligible to participate in athletics and extracurricular activities at MSA, a student must meet eligibility requirements established by the Minnesota State High School League. This includes following MSHSL transfer procedures for students moving to MSA from other schools/educational programs. Non-MSA students participating in COOP sports with MSA teams must follow the same eligibility requirements listed below.

- Athletes shall not participate at the varsity level for more than four years in one sport, starting with the first semester of 9<sup>th</sup> grade. Students may begin participation in their 7<sup>th</sup> grade year, but this participation does not count towards the 4-year limit.
- Athletes and participants in extracurricular activities must be regularly enrolled students at MSA. Students transferring from other programs must sign up for extracurricular activities, following established deadlines.
- Athletes on MSA teams that are governed by the League shall comply with all League regulations. Violation of the regulations may result in suspension or dismissal according to the League by-laws.
- Students caught consuming alcohol or using tobacco or drugs will be suspended from participation and may have their high school eligibility revoked permanently for repeated infractions. At the beginning of each extra-curricular activity season, the coach/sponsor will provide all participants with a listing of the MSHSL requirements and their consequences.

### **Parental Consent:**

Athletes/Participants shall submit all forms completed and signed by their parent(s) or legal guardian(s) indicating permission for participation.

### **Physical Requirements:**

Athletes shall be examined and certified as being physically fit to participate in any try-out or to be a member of a school team. A qualified health professional must perform the examination.

**Participation:**

Participating in an extra-curricular activity is a privilege, not a right. Participants are expected to conduct themselves in an exemplary and sportsmanlike manner and to accept the responsibilities that go along with participation in the activity. Prior to the start of each extracurricular activity, coaches/sponsors will meet with participants to explain the rules and responsibilities that participants are expected to follow. Participants and their parents will be expected to sign a paper indicating that they understand and agree to abide by the rules and responsibilities.

**Attendance and Illness:**

- A. To participate in an extracurricular event at MSA, students must be in school for **ALL** scheduled classes and/or activities during the day of the event. Pre-arranged appointments/absences (i.e., doctor/dentist appointments, college visits, etc.) must be approved in advance to allow participation in that day's event/competition.
- B. For events that involve travel out of state, the student must be in school the previous school day to be able to participate in the trip. Exceptions to this rule include absences to:
  - Receive treatment for an injury sustained in the activity,
  - Participate in school-related activities, or
  - Attend previously scheduled professional appointments such as dentist or counselor appointments.

**Practice and Game Attendance:**

- Athletes agree to be on time for all practices, meetings, and games.
- Athletes agree to obtain prior permission from the coach if they know they will be late or miss a team function.
- Athletes realize that being late due to practice for no reason is unexcused and may lead to reduced playing time in games.

**Commitment:**

- Athletes and Participants agree to remain committed to the team/organization throughout the season.
- Athletes and Participants agree to give 100% effort during practice, during activities, and in games.
- Athletes and Participants agree to inform their coach or sponsor of any academic problems they may encounter, such as low grades, due dates for assignments, or upcoming tests, which may necessitate help in managing their time properly.

**Attitude:**

- Athletes and Participants agree to keep an attitude of encouragement towards their teammates in every situation.

**Respect:**

- Athletes and Participants shall respect themselves and others at all times.
- Athletes and Participants shall not participate in any form of bullying, badgering, targeted joking, and/or hazing towards teammates, managers, and opponents.

**Fighting:**

- Athletes are not allowed to fight at any time. Violations of this rule shall result in an automatic one-game suspension.

- Subsequent violations may result in more severe consequences. Coaches may impose additional discipline/consequences even if behavior was not noted by referees during competitions.

### **Substance Abuse:**

Following the Minnesota State High School League rules, a student shall not at any time, regardless of the quantity:

- use or consume, have in possession a beverage containing alcohol;
- use or consume, have in possession tobacco; or,
- use or consume, have in possession, buy, sell, or give away any other controlled substance or drug paraphernalia.
- use or consume, have in possession, buy, sell, or give away products containing, or products used to deliver nicotine, tobacco products and other chemicals. "Tobacco products" means: any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product.
- use or consume, have in possession, buy, sell, or give away any substance or product where the intent of such use of the substance or product is to induce intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor. Such substance or products shall include, but are not limited to, synthetic drugs, gasoline, glue, aerosol devices, bath salts, and any substances addressed by Minnesota or Federal law.

It is not a violation for a student to be in possession of a controlled substance specifically prescribed for the student's own use by their doctor.

Athletes and participants in MSA athletic and extracurricular activities are expected to refrain from any of the above anywhere and anytime. Violations will be tracked throughout the student's participation in athletics/activities at MSA, starting with the first activity that the student participates in (6<sup>th</sup>-12<sup>th</sup> grades) and continuing until graduation. Penalties are as follows:

- **First violation:** The student will be suspended from participating in any extracurricular activities (i.e., practices, games, managing, trips) for the next two consecutive interscholastic contests or two weeks (14 calendar days) of a season in which the student is a participant, whichever is greater.
- **Second violation:** The student will be suspended from participating in any extracurricular activities for the next six consecutive interscholastic contests or three weeks (21 calendar days) of a season whichever is greater.
- **Third and subsequent violations:** The student will be suspended from participating in any extracurricular activities for the next twelve consecutive interscholastic contests or four weeks, 28 calendar days of a season, whichever is greater. If after the third or subsequent violation, the student has been assessed to be chemically dependent and the student on her/his own volition becomes a participant in a chemical dependency program or treatment program, the student may be certified for reinstatement in MSHSL activities after a minimum period of six weeks. Such certification must be issued by the director or a counselor of a chemical dependency center. **Penalties are progressive and consecutive.**
- **Denial Disqualification:** A student shall be disqualified from all extracurricular activities for nine additional weeks beyond the student's original period of ineligibility when the student denies violation of the rule, is allowed to participate, and then is subsequently found guilty of the violation.

### **Injury or Illness:**

- Athletes recognize that lack of practice due to any injury or illness may limit their playing time.

- Athletes understand that they are responsible for attending practices and games unless excused by their coach.
- Athletes agree to inform their coach of an illness or injury which they feel may affect their playing ability.

**Transportation:**

Athletes agree to inform their coach of transportation problems as soon as they arise.

**Equipment and Uniforms:**

Athletes will take care of uniforms and equipment and will pay to repair or replace them if damaged or lost due to negligence.

**Miscellaneous Extracurricular Rules:**

- If students miss class time due to an extracurricular event, coaches/sponsors will require study time to help keep students from falling behind. Study times will be established for any overnight/out-of-state travel.
- MSA Administration and/or the Athletic Director reserve(s) the right to review academic progress on an individual basis to determine eligibility for participation in athletics and all other extracurricular activities, especially with out-of-state travel.

**Q. Technology/Internet/E-Mail Use (see MSA Policy #524)**

**Requirements:**

Parents and students are required to sign the MSA Student Electronic Communication and Technology Agreement at the beginning of each school year. Students without signed contracts will not have access to campus computers. Chat lines, e-mail, and other non-curricular use of computers during class hours and in the Education Center are not allowed. Inappropriate use of a computer will not be tolerated. Students should refer to Policy #524 for more specific information. Students will lose computer use privileges, and parents will be informed of violations in accordance with the agreement.

**Expectations and Privileges:**

Technology devices provided by MSA are designated for educational purposes and must be used appropriately in relation to classroom and other educational activities. Use of the MSA Technology, Network & Internet Access (hereinafter referred to as Technology) is a privilege, which may be revoked by the administrators of the network at any time for abusive conduct or conduct which embarrasses, harms, or in any way distracts from the good reputation of MSA, its administration, faculty, staff, or any organizations, groups, and institutions with which MSA is affiliated. Such conduct includes, but is not limited to, placing and/or knowingly accessing unlawful or inappropriate information on the network, use of obscene, abusive, or otherwise objectionable language.

MSA reserves the right to review any material stored in electronic format and will edit or remove any material which the administration and/or professional staff believes may be unlawful, obscene, abusive, offensive, inappropriate, or objectionable. The staff and/or administration of MSA will be the sole arbiter of what constitutes obscene, abusive, or objectionable language or conduct.

Policies, rules, and regulations of system usage may be adjusted, revised, or formulated from time to time by the administration of MSA.

**Student Responsibilities:**

Students using technology equipment and software provided by MSA must accept responsibility for the preservation and care of our technology devices and follow rules for use of the school network.

- Instruction: Only those students who have received proper and adequate instructions shall be authorized to use any hardware or software.
- Viruses: It is the responsibility of the student to take reasonable care to keep programs of a viral nature off any school equipment. The student will be held accountable for any deliberate attempts to install or spread virus programs.
- Security: It is the responsibility of the student to comply with all security measures implemented on technology equipment. Students must always log on to the network with their own username and password. Students shall not install, move, or remove any hardware or software except at the explicit direction of staff. Altering, moving, renaming, hiding, or deleting system or application files is prohibited.
- Copyright: Copyright laws will be strictly adhered to when using all technology equipment. All violations of copyright laws (i.e., copying programs without written permission from the copyright holder) will be addressed as appropriate. Shareware software may only be used in accordance with the author's licensing provisions.
- Libelous Action: Each student will refrain from using any libelous language that may result in prosecution and/or legal action. Libel refers to defaming a person's character, behavior, or past with untrue or unfounded statements.

#### **Network/Internet/E-mail Services Usage Guidelines:**

Students using network/internet/e-mail services shall also accept the responsibility for all material received under their account. Only those students with approved instruction shall be authorized to use network services. Students using the network, internet or e-mail shall adhere to the following guidelines:

- Students have the responsibility to monitor all material received via the internet under their use.
- Students shall not furnish any confidential information or school telephone numbers over the internet.
- Students shall not download copyrighted software of any kind from the internet. Shareware or Freeware software may be downloaded only with prior permission of the **campus or student life director** and must be used in compliance with the author's license provisions. Students will not upload any materials to any internet source without first obtaining written permission from the **campus or student life director**.
- Students shall not download pornographic material, inappropriate text or graphics files, or files dangerous to the integrity of the network via the internet.
- Students may not subscribe to any newsgroup or discussion list without prior written approval of the **campus or student life director**.
- Students are responsible for all e-mail received under their account. Students have the responsibility to report all violations of privacy.

#### **Disciplinary Actions:**

Enforcement is first the responsibility of the classroom teacher or dorm staff. The administration will review all cases referred to them for disciplinary action. Disciplinary action may include, but is not limited to:

- The student may be advised to seek assistance in learning the proper procedure before being allowed to use technological equipment in the school.
- The student may be required to make full financial restitution.
- The student may be restricted from access to the Network/Internet/E-mail services.
- The student may be restricted from using any or all technology.
- The student may be suspended.

#### **Personal Electronic Communication Devices:**

- Early childhood and elementary students are not allowed to bring/use personal electronic communication devices during the school day (8 a.m.-3 p.m.).
- Middle school and high school students may bring personal electronic communication devices (cell phones, smartphones, music devices, iPads, laptops, etc.) to campus with utmost cooperation and responsibility. Once school starts, **personal use of electronic devices is** not allowed during class time regardless of location (classroom, computer lab, field trips, library, assembly, special events, bathrooms, etc.). It is imperative that devices be put away (inside a pocket, inside backpack, etc.) immediately when the bell rings.
- Students will not be allowed to use **any technology** devices during breaks on test days (MCA, ACT, etc.) and devices may be collected and stored during those periods of time. MSA reserves the right to periodically check devices to ensure compliance with school internet use expectations. MSA is not responsible for lost, stolen, or damaged devices and cannot provide tech support for those devices.
- **Some students may be permitted to use** their personal devices during class time for educational purposes only and must obtain teacher or director permission before doing so. This includes using personal devices for music or other uses identified within the student's IEP/IFSP. Personal devices cannot be used during any state-mandated testing periods without explicit documentation in the student's IEP/IFSP. **Administrators may further restrict the use of personal devices to ensure that students' educational progress is not disrupted. Changes will be announced to the students and their parents/guardians, as necessary.**
- If a student continues to use the device during class time without teacher/director permission, they will be in violation of the policy. Violation of this policy will result in confiscation of the device. The device will be turned into the front office and students may retrieve their device at the end of the school day. Parents will be notified. Repeated/Frequent Offenses may result in additional consequences as determined by school administrators.
- Students normally cannot leave class to receive phone calls or text messages. Except in emergencies, messages will be taken by the secretary and given to the student as soon as possible.
- Filming, photographing, or audio-recording others without their knowledge/permission and storing and/or distributing those images/films/recordings are prohibited. Filming, photographing, or audio-recording classroom activities for personal use can only be done with permission from the teacher. Photographs, films, and audio-recordings taken during public events such as athletic competitions, dances, performances, and so forth must take care not to include students who have expressed a desire for privacy. Any filming, photographing, or audio-recording of others in private areas such as bathrooms, bedrooms, and locker rooms is prohibited.

## **R. Nuisance Articles**

The use of articles that are nuisances may cause disruption or distractions to others or may cause harm to persons or property, such as spinners, water guns, noisemakers, etc., is prohibited in school, on school grounds, school vehicles, or at school sponsored activities. Confiscation of the article, which may be returned to the student at the end of the school day or to the student's parent, will occur, as the administrator/supervisor sees fit.

## **S. Transportation**

If a child relies on bus transportation to and from MSA, **a parent must contact the local school district to make arrangements before the beginning of school.** If you have any questions or are unsure about transportation issues, the school district will assist you. We also

suggest that you contact the bus company to make sure your child's name is on their transportation roster. When your child's transportation arrangements have been finalized, please call the Transportation office at 507-384-6761 to inform us of those plans. The information will be distributed to various departments throughout the Academies.

MSA provides transportation for its students for a variety of activities including, but not limited to, community field trips, work study placements and athletic games/tournaments. To maintain a safe and orderly environment on school buses, vans and cars, students are responsible for complying with the Transportation Safety Rules below. Failure to adhere to these rules or abusive behavior towards the public, driver, fellow passengers, or the vehicle constitutes justification for initiating corrective action against a student. Any misconduct by a student which is detrimental to the safe operation of the vehicle (based on the professional judgment of the driver) is sufficient cause for the Director and/or Student Life Director to suspend transportation privileges.

### **Transportation Safety Rules**

1. Follow the driver's instructions.  
*The driver is responsible for and in charge of the school vehicle. School vehicles are just like classrooms: the adult is in charge. By state law, students are under the authority of the driver and, as appropriate, the vehicle aide, while in the school vehicle.*
2. Remain seated, facing forward, and wear seat belts as required.  
*School vehicle seats are specially designed to protect passengers. They can only be effective if riders always face the front and stay in their seats until the driver tells them to stand up and exit. Seat belts and shoulder straps must be worn correctly at all times.*
3. Keep hands, feet, and objects to yourself.  
*On a school vehicle, inappropriate behavior like fighting, pushing, horseplay or throwing something might distract the driver and cause an accident. Students must keep all parts of their body inside the vehicle where it is safe, and never throw anything out the window.*
4. Be polite and respectful.  
*Always treat all persons with respect while on school transportation.*
5. Eating or Drinking in vehicles is discouraged.  
*Spilled food/drink in vehicles may damage clothing, fabric, and attract germs and insects. Students are responsible for cleaning up after themselves.*
6. Respect the driver's decision regarding interior lighting in vehicles.  
*Running vehicles at night with the interior lights on may be distracting or disruptive to the driver. The decision to use interior lights will be at the sole discretion of the driver.*

### **T. Student Vehicles**

Students wishing to drive their own vehicles to/from classes and park on campus must adhere to the rules below. Failure to follow the conditions outlined below may result in loss of privileges to have vehicles on campus.

The purpose of allowing student vehicles on campus is to ease the burden on parents of transporting their child to and from MSA. It is to be understood that students and their parents are responsible for vehicles driven on campus. Any vandalism or accidents involving this vehicle shall be the responsibility of the student and parents. MSA will provide parking spaces for student vehicles on campus but cannot guarantee full security for those vehicles. Students and parents must understand that they are fully responsible for the vehicles and their contents.

### **Conditions for bringing your vehicle on campus:**

#### **Residential Students:**

1. Upon arrival at the school, keys will be delivered to the student life director (or designee) immediately.

2. The student must have permission from their parent/guardian before being allowed to drive off campus in the afternoons/evenings. Blanket permission is not allowed – permission must be obtained for each trip.

**All Students:**

3. Once students arrive on campus, they will park the vehicle and lock it. The vehicle will not be moved until the student goes home or receives permission to drive off-campus in the afternoons/evenings.
4. The student understands that the vehicle is subject to search at any time.
5. Unless prior permission is received, the student will not allow other students to ride in their vehicle.
6. The student must obey all traffic regulations and be concerned and aware of students and others on campus.
7. The student understands that staff can refuse the use of their vehicle to travel home if, in their judgment, the student is not in a condition to drive or if the time of day or road conditions are not safe for travel.
8. Special permission to use vehicles during the day for transportation to school and/or work may be given with parent and Director's approval.
9. Students must drive at or below the posted speed limit. If any staff member observes a violation of the speed limit, the student permit may be revoked.

**U. Student Bicycles, Skateboards, and Rollerblades**

Bicycles, skateboards, and roller blades are permitted. Skateboards and rollerblades must be stored within the student's room. MSA has some bicycles available for student use. Helmets must be worn at all times when riding bikes, skateboards, or roller blades. Students using skateboards and rollerblades must follow standard safety practices and must travel with consideration for people and vehicle traffic. Additional pads are encouraged.

Students who wish to bring their bicycles to campus for personal use must agree to abide by the conditions below.

- Students in 6<sup>th</sup> through 12<sup>th</sup> grades may ride bicycles off campus if they have parental permission, agree to follow all laws regarding bicycles on and off campus, and agree to neither borrow nor lend a bicycle (i.e., no one rides another student's bicycle.) Students at MSAB must also meet orientation and mobility expectations before being allowed off campus. Students below 6<sup>th</sup> grade must be accompanied by an adult if bicycling off campus. Permission must be given for each trip off campus – blanket permission is not allowed.
- Bicycles may be ridden on campus roads and paths in accordance with traffic laws. Bicycles may never be ridden out of town without permission.
- Lights and reflectors are required if the student plans to ride at night. Bicycles are not to be used as transportation to and from the school buildings or on the grass.
- The dormitory will provide a bicycle rack or other suitable storage area. Bicycles must have a lock and students are responsible for putting them on after use. Bicycles should not be kept in dormitory rooms, hallways, or stairwells.
- The student and their parents assume responsibility for the bicycle brought on campus. The school will not assume any responsibility for bicycles. Parents or adult students must cover personal injury of the rider and/or others.

A student may have bicycle privileges suspended for failure to follow rules. The length of the suspension is dependent upon the offense and number of previous offenses. Repeated offenses (or a major offense) may be grounds for revocation of privileges to have a bicycle on campus. The bicycle will be confiscated and sent home at the earliest possible time.



## **SECTION III: Information Specific to MSAB**

### **A. Curriculum and Special Programs**

(Curriculum for Blind and Visually Impaired Students, including those with Additional Disabilities)

#### **Core Curriculum**

- Language Arts
- Math
- Science
- Social Studies
- Physical Education
- Family and Consumer Science
- Computer Literacy
- Vocational Education

#### **Expanded Core Curriculum**

- Independent Living Skills
- Orientation & Mobility
- Social Skills
- Braille
- Recreation and Leisure Skills
- Assistive/Adaptive Technologies
- Visual Efficiency Skills
- Compensatory/Functional Skills

### **B. Specialized Programs**

#### **Academy Plus (A+) Transition Program (post-high school):**

The Academy Plus Transition Program is designed to increase transition skills and expose blind and visually impaired students to real life learning experiences and enrichment opportunities through community involvement. This program serves as a major transition step before students leave the educational setting. The Academy Plus program prepares students for independent living, community work, use of community resources, self-directed leisure and recreation activities within their community, and preparation for post-high school training and/or placement. The program also provides students with additional academic and compensatory training.

Academic and compensatory skill building will be available based on the student's IEP/IFSP. Assessments will also be available upon request and based upon the individual needs of the student.

#### **Multi-Challenges Program (ages birth-22):**

The Multi-Challenged Program provides instruction that emphasizes daily living skills and personal life management for students who are blind or visually impaired and have additional disabilities. It is designed to expose students to a variety of different subject areas while maintaining a single theme each week of the school year. This gives students opportunities to generalize the learned concepts as well as have them reinforced in multiple settings.

Intertwined with the traditional curriculum are the Minnesota Academic Standards and related services such as Occupational Therapy, Physical Therapy, Orientation and Mobility, Speech and Vocational/ Transitional.

### **C. C: MSAB GRADUATION REQUIREMENTS**

A state-approved diploma is awarded to students who have completed the Academy's requirements as set forth in their IEP. Students are also required to complete at least 100 hours of community service prior to graduation. Prorated amounts for students who arrive at MSAB with less than 4 years of high school remaining will be arranged by the Director. Some students may also have adjusted hours or requirements determined by their IEP team.

### **Credits toward Graduation**

**(Graduation requirements include meeting state testing criteria.)**

<b>Required Courses</b>	<b>Credits</b>
Language Arts	4
Social Studies*	3.5 <i>*at least one credit must be Government/Civics</i>
Math	3
Science	3
Arts	1
Health	0.5
Physical Education	0.5
Careers	0.5
Family and Consumer Science	0.5
<b>Personal Finance</b>	<b>0.5</b>
<b>Total Required Credits</b>	<b>17</b>
Electives	6
<b>Total Credits possible (4 years of HS)</b>	<b>28</b>
<b>Total Credits required to graduate</b>	<b>23</b>

Please note the following: Minnesota graduation standards and/or a student's IEP may change the requirements necessary for graduation. Credit Recovery options must be discussed with the administration if needed.

### **Course Registration:**

In order to graduate from MSAB, there are many required courses which a student in High School must successfully complete. Students have the opportunity to select these core courses and all elective courses at MSA and/or Faribault Public Schools when applicable. Students will complete course selections prior to each semester under the advisement of their parents/guardians and case manager.

### **D. Recreation and After School Programs**

Recreation and leisure skills development is one of the expanded core curriculum areas for blind and visually impaired students. As such, students receive direct instruction and purposeful learning opportunities to develop skills necessary to incorporate this into adult life. The program facilitates the development, maintenance, and expression of an appropriate leisure lifestyle. This is based on the needs, interests, and abilities of the student.

MSAB provides a range of after-school activities and programming which exposes students to a variety of leisure activities, both as spectators and as participants. Currently, MSAB day students may participate in After School Programs on Mondays-Thursdays, 3-5 p.m. with a variety of activities which can be grouped into the following categories:

- **In-Dorm Activities:** These occur daily during students' free time and are led by residential staff under the direction and assistance of the Recreation Program Assistant.
- **Recreation Groups:** Students are grouped by similar ability, interest or needs. The group focuses on the acquisition of skills, knowledge, and attitudes to facilitate an independent lifestyle. Function abilities are emphasized. Groups are centered on a specific topic, activity, or goal area, i.e., cooking, arts and crafts, fitness group, gardening, etc. These groups are scheduled and under the supervision of the Recreation Program Assistant but may be staffed by residential staff.
- **Off Campus Activities:** Activities are scheduled in the local community as well as the Twin Cities and surrounding areas. Students participate not only for entertainment but to work on goals such as planning and preparing for activities, money management, social/interaction skills, problem solving, etc. Students/parents are responsible for any additional fees, admissions, or costs related to these activities.

- Special Events: Throughout the year, there are performers, enrichment programs, and special groups that come in to work with students. Students may also request to attend events that are not part of the recreation calendar and will receive planning assistance and oversight by the Recreation Program Assistant and supervision from residential staff as needed. Again, additional costs are the students'/parents' responsibility.
- Participation in sports may also be offered during this time frame under the athletic program (The MSAB athletic director will send out information each fall regarding sport offerings and fees for the year).

Any questions regarding after-school programming can be directed to the Student Life Activities Coordinator and/or the MSA student life director. (Please refer to the Student Life section for additional information).

## **SECTION IV: Information Specific to MSAD**

### **A. MSAD Graduation Requirements**

MSAD provides liberal arts, vocational, and life skills training for children who are deaf and hard of hearing from throughout the state. The Academy offers state-approved High School diplomas to students who have completed MSAD's requirements as set forth in the student's IEP.

**Students that have not met graduation requirements will not be allowed to participate in the commencement program.**

### **Credits toward Graduation**

*Graduation requirements include meeting state testing criteria. Students are also required to complete at least 100 hours of community service prior to graduation. Prorated amounts for students who arrive at MSAD with less than 4 years of high school remaining will be arranged by the Director. Some students may also have adjusted hours or requirements determined by their IEP team.*

<b>Required Courses</b>	<b>Credits</b>
Language Arts	4
Social Studies*	3.5 <i>*at least one credit must be Government/Civics</i>
Math	3
Science	3
<b>Personal Finance</b>	<b>0.5</b>
Arts	1
Deaf Studies	0.5
Career and Technical Education (CTE)	0.5
Health	0.5
Physical Education	0.5
Careers	0.5
<b>Total Required Credits</b>	<b>17.5</b>
Electives	5.5
<b>Total Credits possible (4 years of HS)</b>	<b>28</b>
<b>Total Credits required to graduate</b>	<b>23</b>

Please note the following: Minnesota graduation standards and/or a student's IEP may change the requirements necessary for graduation. Credit Recovery options must be discussed with the administration if needed.

### **Course Registration:**

To graduate from MSAD, there are many required courses which a student in High School must successfully complete. Students will have the opportunity to select these core courses and all elective courses at MSAD and/or Faribault Public Schools when applicable. Students will complete courses selections prior to each semester under the advisement of their parents/guardians and case manager.

### **Honor Roll:**

Students in middle school and high school must meet the determined grade point averages to receive honors for their academic performance. Students with a perfect grade point average of 4.0 will receive the prestigious "Hilltopper Award."

**Hilltopper: 4.0 GPA**

**Gold: 3.50-3.99 GPA**

**Maroon: 3.25-3.49 GPA**

**White: 3.0-3.24 GPA**

*Students receiving an "Incomplete," will not be eligible for the honor roll until the final grade is submitted.*

### **Academy Plus (A+) Transition Program (post-high school):**

The Academy Plus Transition Program is designed to increase transition skills and expose deaf and hard of hearing students to real life learning experiences and enrichment opportunities through community involvement. This program serves as a major transition step before students leave the educational setting. The Academy Plus program prepares students for independent living, community work, use of community resources, self-directed leisure and recreation activities within their community, and preparation for post-high school training and/or placement. The program also provides students with additional academic and compensatory training.

Academic and compensatory skill building will be available based on the student's IEP. Assessments will also be available upon request and based upon the individual needs of the student. Students in this program must be in good academic standing (C or higher in all classes) to be able to participate in off-campus work experiences.

### **B. Hall Passes**

During the school day at MSAD, students must have a hall pass signed by a staff member whenever they move to other places during class time. Students need passes to attend appointments with counselors and speech/language sessions, as well as to use the restrooms during class time. Passes are also required in the dorms when students move to other dorm units or buildings.

### **C. Lockers**

Each student will be assigned a locker and a lock (where applicable). Lockers must be kept clean, and students may not deface the lockers with items that may permanently damage the locker. Lockers will be cleaned out periodically throughout the school year. Lockers are school property and may be searched by the administration if there is reasonable suspicion of a student not complying with school rules. No personal locks may be used without prior approval by the Director. The Academy is not responsible for stolen items.

### **D. Early Childhood Education (ECE) Students**

**Diapers:** For preschool students, parents are required to supply diapers and wipes for their child if they are not toilet trained.

**Home Visits:** For parent-infant families, at least one parent is required to be present during home visits. If they are unable to attend, parents must contact their home visit service provider to cancel and/or reschedule the visit.

**Parent or Guardian/Child Transition to School (1&2 Program Only):** To support a smooth transition from home to school, we encourage that a parent, guardian, or primary caretaker remains present with their child during the first four weeks of enrollment. This period allows the child to build trust and confidence in the new environment at their own pace. During this time, staff will work closely with families to gently guide the child from dependence to independence. Our goal is to ensure each child feels emotionally safe and ready before beginning independent participation. Please note that this is for parent, guardian, or primary caretaker only – not including siblings, friends, cousins, etc.

**Separation:** Separation can be challenging. Please say goodbye to your child before leaving. We will do everything possible to make the separation go smoothly. If a child remains distressed for more than 30 minutes after separation, the parent will be contacted to communicate and discuss the next steps.

**Snacks and Drinks:** Families are responsible for providing snacks and drinks for their child each day. Please choose items that are safe and appropriate for your child's age - especially for children who are one or two years old. Be sure snacks are easy to eat, support your child's developmental needs to avoid choking.

**Toileting:** Please use the bathroom at the main entrance before class time and change diapers if necessary. There are changing tables in the bathrooms. The small bathrooms in the ECE wing are for students only.

**Field Trips:** As part of our early childhood curriculum, students participate in monthly field trips. These experiences are thoughtfully planned to extend classroom learning and provide hands-on, real-world opportunities that support each month's themes and topics. Field trips are held at locations within approximately one hour from the school.

**Transportation:** The school provides transportation for all students, including appropriate car seats for safety. Families may choose to transport their child to and from the field trip location if preferred.

**Cost:** There is no cost for student participation, as these trips fall under Free Appropriate Public Education (FAPE). If family members wish to join a trip, they are responsible for their own admission fees when applicable.

**Permission Slips:** A permission slip will be sent home before each field trip. Please return it by the deadline to ensure your child can attend and to help us plan for safety and supervision.

**Family Participation:** Families are welcome and encouraged to join field trips. You may choose to take an active role with your child or simply attend and allow school staff to guide the experience. Teachers and paraprofessionals will be present to supervise, support, and engage all students during the trip. Families must provide their own transportation to the field trip location.

**ECE Discipline Approach:** We believe discipline is teaching and is a natural part of the growth and development of children. We have set up our classroom environments to allow students to explore and learn developmentally appropriate expectations for behavior and interactions with others. If children struggle to follow classroom guidelines, staff will try one of the following teaching methods:

- Use a calm approach to distract or redirect the child to another activity.
- Remove the toys or materials that are being used improperly.
- If two children are having difficulty interacting with each other, coach them to make amends.
- If a child is very overwhelmed, staff may ask them to take a break until they have calmed down and become ready to rejoin the group.
- Staff members will take each child's individual needs and comfort levels into consideration when teaching these skills.

**Illness:** Our goal is to keep the process of addressing illness/symptoms as consistent as possible offering some additional 'grace' for our younger students due to the normal development of young children (i.e., teething, introduction of new foods, and so forth). If a child becomes sick or displays symptoms of illnesses, the child will visit the health office for a health assessment. The nurse will communicate with teachers and families to share information and decisions after the assessment.

## **E. Elementary After School Program**

The Elementary After School Program (ASP) at MSAD is designed to promote exploration, creativity, leadership, and recreational learning for students outside of their school day. The program currently runs Monday through Thursday, 3:00-5:00 p.m. **Extra ASP activities are also available on Fridays, 2:00-4:00 p.m. for an additional fee.** The program is also designed to help students develop a lifelong appreciation for sports and recreation through the activities offered. Current MSAD students from **Kindergarten (5 years of age)** through 5th grade are eligible to participate in the program. Parents have the option of signing up their students **Mondays-Thursdays; Mondays-Fridays; or on select days.**

Currently, MSAD offers guest speakers, clinics, arts and crafts, and recreational activities, including homework help. MSAD also offers a broad range of recreational activities depending on available facilities, student interest, and staffing. Students may be grouped by grade (e.g., Team K-1, Team 2-3, Team 4-5) for recreational activities. Elementary sports may also be offered during this time frame under the athletic programs (The MSAD athletic director will send out information each fall regarding elementary sport offerings and fees for the year).

Examples of activities/lessons of the program include, but are not limited to, the following:

- Arts and crafts
- Cooking
- Swimming/swimming lessons
- Homework help
- Off-Campus outings
- Outdoor activities

Activities/lessons are determined yearly based on availability and the daily activity schedule. Any questions regarding after-school programming can be directed to the Student Life Activities Coordinator and/or the MSA student life director. (Please refer to the Student Life section for additional information).

On occasion, the ASP may provide special activities that run longer than the 3-5 p.m. time frame. Those activities will be communicated with parents in advance and parents may opt-out of those activities. If your child has any special medical, meal, or transportation needs that need to be addressed during those special activities, please let our Student Life Activities Coordinator know so we can make arrangements.

## **SECTION V: MSA Student Life Programs**

### **A. General Goals of the Student Life Program**

If space and resources are available, MSA may provide residential (on-campus living) services to students who live too far away to travel to school each day. Students must be at least 5 years old by September 1<sup>st</sup> and be able to meet safety and self-help requirements. Students who live farther from our campuses are given priority. [All residential students are expected to follow the MSA Code of Conduct.](#)

- Demonstrate respect towards staff, peers, and self.
- Demonstrate management of personal health, safety, hygiene, clothing selection, and care.
- Ability to develop and maintain positive personal relationships and perform civic responsibilities.
- Learn home care and maintenance.
- Learn life skills related to time management, leisure, and recreational activities.
- Use problem solving techniques appropriate for group living and social interaction in the community.
- Exhibit a positive self-identity.
- Resolve conflicts in a mature manner.
- Participate in social activities.
- Accept responsibility for own actions.

### **B. Dormitory Facilities**

Each campus has dormitories which provide each student with a room and furniture. Common lounges, computer/study rooms, laundry facilities, and recreational areas are also available in each dorm. Students of transition age who meet the required criteria are also given the opportunity to experience independent living in our apartments.

Dormitory rooms will be assigned to students upon arrival. If students/parents prefer a roommate, such requests will be considered along with other factors such as age, interests, and supervision needs. In all cases, student life staff will approve final room assignments. Students should communicate their preferences for roommates within the first two weeks of school. All students, regardless of room/building assignment, are to bring their own bedding including towels, washcloths, laundry soap, and personal hygiene items. A list of suggested and required items is sent home each fall or may be obtained by request.

Students are encouraged to incorporate personal effects into the décor of their dormitory rooms. It is our thought that the dormitory rooms become a “home away from home” for the student. We strongly encourage the use of items such as pictures, stuffed animals, and the like. It is expected that students will use good taste in selecting appropriate posters, banners, and other room furnishings. The student life staff will make final judgments on the appropriateness of decorations/furnishings. Students must maintain a clean and safe living area.

Students’ rooms, though the property and responsibility of MSA, are their personal space while enrolled in school. Students’ rights to privacy and security must be respected. Rooms may have to be shared with another student. Students are expected to knock or ring the doorbell (flashing lights) before entering another student’s room and not enter without permission, which includes times when the room is unoccupied. Student life staff are also expected to knock or ring the doorbell (flashing lights) before entering students’ rooms/bathrooms.

Facilities must be shared among all students residing in a living space. Time and use limits will be used as needed to provide fair access for all. Students are encouraged to use equipment with consideration of the needs, rights, and feelings of others. Student Life staff will assist in negotiating use and will set limits as needed. The staff office area is off limits to students unless

they have appropriate permission from student life staff. Windows are to remain closed as the building is designed to be climate controlled throughout the year.

Members of the opposite gender (parents, students, visitors) are NOT permitted in the bedroom areas or the hallway leading to the bedroom areas. If it is necessary to go into that area for some reason, please check in with the student life staff to obtain permission prior to entering that area.

Students are permitted in the lounge areas and/or designated areas within the dormitories determined by the student life director with permission from student life staff. When visiting outside of their dormitory, students are expected to be fully clothed (no sleepwear). All students must be back in their own dormitory by 9:30 p.m. unless permission is granted for special activities. The doors to rooms or lounges need to remain open if two or more students are visiting together in the room without staff supervision.

The school buildings/classroom sections are off limits during after school/evening hours unless approved or if there is a scheduled and supervised activity in that area. Students must remember to bring homework, textbooks, and/or personal belongings from the classroom area as the school buildings/areas close at 4 p.m. when teachers/administrators depart for the day. Student Life staff cannot open locked classrooms or buildings.

### **C. Behavior Support for Residential Students**

If a residential student's behavior continually disrupts their dorm environment and program, the dorm staff will work with the student and their parents/guardians to support the student in understanding and adhering to residential expectations. Dorm staff will work in collaboration with school staff to align expectations and apply strategies to help the student do well in the dorms. If necessary, dorm staff may need to review the student's ability to meet the residential requirements and decide if the student should continue living in the dorms.

The student life programs on both campuses are a vital component of the overall education and development of each child. Providing a supportive, home-like atmosphere and a place to learn and grow is the program's overall goal. Another important part of the educational process at MSA is to prepare students for independent living. The intent of our student life programs is to provide living experiences which will challenge students and offer direction to be applied towards academic and life skills training within the areas of home/living skills, self-care, social skills, and the development of appropriate leisure time and/or recreational activities.

Dorm staff will communicate with parents periodically throughout the year to keep them informed about their child's skill development, behavior, and needs.

### **D. Dormitory Expectations and Rules**

#### **Cleanliness/Daily Duties:**

Students are expected to keep bedrooms neat and clean, assisting with cleaning and organizational tasks to the best of their ability. Clothes are to be picked up and on hangers, in dressers, or in laundry baskets. Beds are to be made each day. Vacuuming is done on a weekly or as needed basis. Student Life staff will teach and assist with the development of skills and the completion of these tasks.

#### **Food in Dormitory Rooms:**

Food and beverages are not permitted in dormitory rooms. Snack foods are available as part of the student life program, but students may bring such items from home. These items must be labeled with the student's name and placed in the kitchenette storage areas. No food or drinks are allowed in the dormitory computer rooms.

### **Laundry:**

Each dormitory has washers and dryers that are available for student use. Students are encouraged to develop skills in completing laundry tasks. If student laundry is done in the dormitories, students are responsible for providing the necessary laundry products. Laundry tasks must be completed by 10:00 p.m. Due to limited units, students may prefer to take clothing items home on the weekend.

### **Contact with Parents/Families:**

For calls home, students have access to telephones and/or videophones on a first-come, first-serve basis. A separate line is also available for communications with staff. If using school phones/videophones, a limit of 10 minutes per call is suggested to allow opportunity for all students to make and receive calls. Student Life staff will assist and set/enforce guidelines, as necessary.

Students are permitted to have cell phones and/or other personal communication devices (iPads, etc.) in the dormitory. Student Life staff will communicate with parents to discuss guidelines regarding their child's cell phone use. Student Life staff may set/enforce limits on cell phone use when it is causing a disruption for other students. In addition to phones/videophones, computers with internet access are available in all living areas.

### **Medications:**

Student medications are kept in the MSA Health Services Office on each campus. Students are not allowed to keep medications with them or in their room. Any exceptions will be determined per guidance and approved by the Health Services Director.

### **Pets:**

Animals are not permitted in the residence halls except for service animals. Please notify the student life director in advance if you have a service animal.

### **Television, Videos, Games, and other Electrical Appliances/Equipment:**

The living spaces are equipped with televisions, cable TV services/DVD players for use by students. Hookup for such equipment is not available in individual bedrooms. Students who wish to bring equipment to the dormitories are responsible for their own devices. MSA will not assume responsibility for the security or maintenance of any personal devices. Contact the student life director for permission before bringing large electronic devices such as gaming devices or televisions to the residence halls. All electrical appliances or equipment to be used in student rooms must be checked by residential and/or maintenance staff. Items must be in good working condition (i.e., no frayed cords, etc.). **Refrigerators and microwaves are not allowed in student rooms.**

Personal media devices such as radios, MP3s, game consoles, and so forth are permitted and must be played at a reasonable level of sound. Student Life staff will assist in establishing what is reasonable. All audio equipment must be turned down to a quiet level by 10:00 p.m. to be respectful of those who have already retired for the evening. Students may lose the privilege of using their equipment if they do not comply with these guidelines.

### **Ratings for DVDs/Movies, Electronic/Online Games, and Television**

#### **DVDs and Movies**

- No students are permitted to watch movies rated R or NC-17.
- Students below 7<sup>th</sup> grade are not permitted to watch movies rated PG-13 or above.
- Students' personal DVDs/videos may be watched with approval from staff, but ratings must be followed.

#### **Electronic and Online Games**

- Students below 6<sup>th</sup> grade may only play games rated EC (Early Childhood) or E (Everyone).
- Students are not allowed to play games rated M (Mature) or A (Adults Only).

- Students are not allowed to play online games which require a fee.
- Games without ratings may be played with prior staff approval and supervision.
- Ratings for the same game on CD-ROM/DVD are applied to online versions.

#### Television Programs

- Students are not permitted to watch programs rated TV-MA (mature audiences).
- Students below 7<sup>th</sup> grade may not watch programs rated TV-14.
- Students below 7<sup>th</sup> grade may be allowed to watch some programs rated TV-PG13 based on staff discretion.

*Students who violate these rating guidelines will be subject to appropriate disciplinary consequences to be determined by the student life director.*

#### **Personal Items**

All personal items must be kept clean and stored in designated storage areas in the student's room. We encourage all personal items to be labeled with the students' name to prevent confusion with others' belongings. Students are responsible for their own belongings and should be able to care for and keep track of their personal items. A list of required items and clothing suggestions is sent at the beginning of each school year and is available upon request.

#### **Money**

Students may handle their own money or deposit it in their student account. Staff from the Fiscal Department are on campus following established schedules so students may deposit/withdraw money. Each family should determine their child's ability to manage money and spending guidelines and discuss these with student life staff. If students/parents do not choose to take advantage of MSA student account services, they understand that money that becomes lost or stolen is the responsibility of the student/parent.

#### **Lending money and personal items:**

Students should not lend out their personal items or make monetary loans to other students. MSA is not responsible for any monetary or personal item loans that students make to each other. MSA is also not responsible for personal items lost or stolen at the MSA dorms or on campus.

#### **After-school Program Expectations and Activity Fees**

**Annual fees are required for participation in the After School Program.** A permission form must be on file in the Activities Coordinator's office before students can participate in the After School Program. Money will be collected at the beginning of the school year and put into a dorm activity account. This money is non-refundable and will not be returned to student funds. Students who arrive later in the year may pay a pro-rated amount determined by the student life director.

**During the school year, the student life program provides numerous activities, both on- and off-campus. An annual student life fee is required for residential students to participate in those activities.**

In the event a parent or guardian is unable to afford those fees, please contact the student life director to make alternate plans.

#### **After-school and Evening Activities**

K-12<sup>th</sup> grade students living in the dormitories or participating in after school programs are expected to attend after school scheduled activities unless they are off-campus or participating in an MSA-sponsored activity/event during scheduled activity times. During evenings, high school students are expected to attend evening activities. Middle school students may also attend evening activities. Students must attend regular dorm meetings scheduled by the student life director or the dorm program coordinator. Permission to miss activities or meetings may be granted by the director, dorm program coordinator, or activities coordinator based on extenuating circumstances.

### Family Communication

It is important that parents, caregivers, or legal guardians communicate directly with the Activities Coordinator of the After School Program if the ASP staff needs to know about their child.

Changes to the students' daily transportation needs must be shared with the MSA secretary and the Activities Coordinator by 11:00 a.m. All communication must be made by the parent/guardian.

### Student Pick-Up

Students must be picked up by 5:00 pm. Parents/guardians will incur a late fee of \$5 if their child is not picked up by 5:05 pm, followed by an additional \$5 for every five minutes they are late. The required student pick-up time and late fees are in effect every evening regardless of evening school events. The student pick-up location is on the street in front of Rodman Hall (MSAD) or in front of the school building (MSAB). Coaches and ASP staff will remain with the student until their parents or legal guardians arrive.

Late fees must be paid within the next 24 hours after the late pick up or a payment agreement must be made with the Activities Coordinator. If the late fee is not paid, the student may not participate in the following ASP sessions. Fees can be paid to the Activities Coordinator in cash, personal check, or money order. Checks and money orders should be made payable to: MSA (Activities Coordinator on the Memo line).

### Behavioral Expectations/Eligibility

Students are required to cooperate and follow all rules and expectations of ASP and the MSA Student Code of Conduct during all ASP activities. Failure to do so may result in removal from ASP and/or sports team(s). A refund of the ASP fee will not be issued.

Participating students who receive an in-school suspension or home suspension will not be allowed to participate in ASP or attend team events for the suspension. Depending on the seriousness of the violation of school rules, students may lose the privilege of participating in ASP and/or team activities for an extended period of time, including the possibility of permanent removal. Cases of inappropriate or aggressive physical contact are considered especially serious. If a student did not attend classes fully during the school day, they may not be able to participate in the ASP activities or team events that day.

### Sign-in/out and Communication with Dorm Staff

Middle School and High School students must communicate with student life staff when leaving the dormitory (whether to an on- or off-campus location). They must follow check-in/check-out procedures established for each dormitory. Elementary/Younger students must be accompanied by student life staff when going to activities outside of the dormitories.

## **E. Dormitory Schedules and Activities**

### **Wake-Up Schedule:**

Wake-up times will vary depending on the student, their needs and schedule. Students must establish wake-up times to give themselves enough time to take care of personal hygiene and dress before they are due at the cafeteria for breakfast.

### **Bedtime Schedule:**

As with wakeup times, bedtimes are determined on an individual basis in conjunction with parents and with the feedback of student life and education staff. Adjustment of bedtimes can be made as needed. General guidelines for bedtimes are as follows:

<i>Under 12 (Elementary)</i>	<i>In room by 8:45 – Lights Out by 9:00</i>
<i>12 years to 14 years old (middle school)</i>	<i>In room by 9:15 – Lights Out by 9:30</i>
<i>Freshmen and Sophomores</i>	<i>In room by 10:15 – Lights Out by 10:30</i>
<i>Juniors and Seniors</i>	<i>In room by 10:45 – Lights Out by 11:00</i>

Academy Plus (A+) students and students in the apartments (independent living programs) have some discretion with bedtime schedules as long as students make reasonable choices, and their program needs are being met satisfactorily.

### **Dormitory Hours:**

The dormitories are locked during the school day. Students must obtain permission and get a pass from their teacher, the nurse, the campus director, or the student life director to return to the dorm during the school day. Staff must accompany students to the dormitories when dorm staff are not on duty.

### **Meals:**

Students are required to attend all meals unless ill or otherwise excused. Student life staff provide supervision and guidance for appropriate behavior, etiquette, and skill development. Mealtimes are posted in the dormitories. If students wish to cook their own meals, order food, or eat off-campus, they must obtain permission in advance so that the cafeteria can be notified.

### **Homework and Tutoring:**

- Student life staff are available throughout the afternoon and evening to assist students with homework. Completion of schoolwork is a priority. Student life staff will provide guidance in time management so that schoolwork and all other program demands are met. On the MSAD campus, tutors are also available during scheduled times.
- Elementary students will have scheduled study time of 30 minutes daily.
- 6<sup>th</sup>-12<sup>th</sup> grade students will be provided with 1 hour of scheduled study time daily.
- During scheduled study time, no other activities or meetings will be scheduled.
- In the event homework is completed in less than an hour those students in good academic standing (at least a 2.0 GPA and no D or F grades) may return to common areas for social activities in the dorm, but without interrupting others from studying. Students with low grades must remain in their study areas and continue studying and/or reading quietly until the end of study hour.
- For high school students with a GPA of 3.0 or above, study hours are optional, but students must remain quiet and refrain from interrupting others from studying. They will have the privilege of determining where they want to complete their study (within parameters established by the student life director).

### **Visitors**

Advanced notification and approval by the Student Life director, campus director, or designee for visits between 3:00 pm and 9:00 p.m. is required. No overnight stays are allowed. The student life staff will determine appropriate visits and any limitations in the student life director's absence. On arrival, visitors must check in at one of the dormitory offices where they will be issued a visitor's badge and asked to sign in. Students will be allowed personal visitors based on parent/guardian permission and in accordance with any court order or legal mandate (a copy of which must be maintained in the student's file in the main campus office).

### **A. Off-campus Guidelines**

Students can leave campus only with written authorization from parents/guardians. Permission to go off campus alone without adult supervision must be granted for each trip – blanket permission is not allowed.

Only people who have prior written authorization from parents/guardians may pick up students from the campus for off-campus activities. This information is maintained in the school's main office and in dormitory offices. Changes can be made in writing by the parent/guardian throughout the year as needed. Students will not be released from school unless proper permissions are in place. The individual accompanying the student off campus must complete the sign-out form outside the dormitory or in the main campus office prior to leaving and upon return.

Students who have obtained written authorization to go off campus must abide by the following:

- Students must complete assigned dorm duties prior to their departure off campus. Students who do not have a 3.0 or higher GPA must also complete their study hour or have a staff member sign off that they have completed all their homework before going off campus. They must also communicate their departure with the student life staff.
- Students must follow all school rules and laws while off campus. Failure to comply with school rules or guidelines may result in the loss of off-campus privileges.
- Students may request a ride from student life staff to an off-campus location. Not all requests will be fulfilled due to limited staffing.
- The student life director will establish times/days when students may go off campus. Students must follow the schedule unless special permission is granted by the student life director and parents.
- Elementary and middle school students must be accompanied by a staff member.
- High school students may go off campus in groups of two during daylight hours, following the schedule established by the student life director.
- With written permission from parents, students can go off campus alone.
- Visiting the homes of other students in the Faribault area must be approved by both students' parents. Permission must be granted for each visit – blanket permission is not allowed.
- For MSAB students, requests for independent, off-campus travel permission can be made by students by contacting the Orientation and Mobility instructors. A list with students approved for off-campus travel will be maintained and updated by O & M instructors and filed in each dormitory office. Students who have been granted off-campus travel permission must check with student life staff before leaving campus. Staff will verify travel permission and will provide final approval (or denial) for all requests.
- Students who have received approval to travel independently off campus are expected to return to the dormitory by 8:00 p.m. for Middle School Students, or 9:30 p.m. for High School Students unless given permission by student life staff for a later arrival time. Overnight visits are prohibited.

### **Visiting Homes of Other Students on Weekends**

Students are required to produce written permission (e-mail will suffice; the student life director or designee will verify e-mails) from both sets of parents/guardians before being allowed to travel to the home of another student. The permission must be delivered to the appropriate staff preferably by Tuesdays for travel on Fridays (no later than two days prior to the date of the requested visit) so that travel arrangements can be made with transportation companies.

### **B. Student Responsibilities in the Dormitories**

Students are expected to accept all responsibilities and abide by school and dormitory policies. Failure to do so in a consistent manner may result in loss of privileges. Student Life staff members are responsible for documenting and discussing incidents with a plan for improvement with students, helping them learn independent living skills and coping strategies for situations that may arise during the year.

#### **General Responsibilities (Daily)**

**KEEPING ROOM CLEAN:** Bed made; Closet, drawers, and shelves in order; Floor swept; Dirty clothes in bag or basket; Trash thrown away.

**COMPLETING DORMITORY DUTIES, FOLLOWING DUTY SCHEDULE:** Cleaning Dorm Kitchen; Laundry duties; Storing Food; Cleaning Bathrooms

**BEHAVING APPROPRIATELY:** Respecting others' need for quiet; Utilizing appropriate language; Following PDA (Public Displays of Affection) rules; Following directions without excessive argument; Respecting boundaries and respecting others

**FOLLOW BEDTIME RULES:** In room at assigned time; Refrain from texting or using other personal devices after lights out; Refrain from talking after lights out; Phones and laptops for elementary and 6<sup>th</sup>- 8<sup>th</sup> grade students will be kept at charging stations in the staff offices from bedtime until the following morning.

**USING TECHNOLOGY AND COMMUNICATION DEVICES APPROPRIATELY:** Refrain from using any electronic devices to view inappropriate material (pornography, inappropriate websites, pictures, or videos); Refrain from watching movies rated over PG13 or playing videogames rated over T.; Follow the guidelines for technology/Internet use outlined in MSA Policy #524.

**FOLLOWING MEALTIME EXPECTATIONS:** Attending meals following schedule; Behaving appropriately in the cafeteria; Cleaning up after meals.

**APPROPRIATE OFF-CAMPUS BEHAVIOR:** Follow off-campus guidelines; Follow campus rules while off-campus; Interact appropriately with community members.

**FOLLOWING STUDY TIME EXPECTATIONS:** Follow schedule for study hours; Complete all homework assignments; Ask for help as needed; Be respectful to staff and peers; No sleeping or playing games/surfing the Internet during study time.

**SIGN IN/SIGN OUT:** Sign out when leaving the dorm area; Communicating with staff about leaves and arrivals; Signing in when returning to dorm area.

#### **FOLLOWING SCHOOL/DORM RULES**

*\*Any violation of the school/dorm rules, including the following major offenses will be referred to the student life director for investigation and determination of consequences. Repeated offenses and/or major offenses may result in suspension or revocation of dorm privileges.*

- Breaking into School Building
- Damage to school property
- Use of Drugs, Alcohol, and/or Tobacco
- Fighting/Bullying/Hazing/Harassment
- Leaving Campus without Notifying Staff
- Sexual Misconduct
- Stealing
- Weapons

Within each category, additional incidents will result in a meeting with the student life director to discuss a plan to address the behavior and determine follow-up actions. If the behavior persists, the student life director will set up a meeting with the student, staff member, and parents to discuss additional monitoring and support.

Consequences will be determined, depending on the severity of the infraction and the student's specific learning/behavior needs. Additional consequences may be added by the student life director after investigation and parents will be informed of additional consequences.

Not all incidents are documented in the handbook. This is a general guide to help staff and students maintain respect for each other and have fair consequences given for actions. If an incident happens outside of what is listed in this handbook, student life staff shall request a meeting with the student and the student life director to discuss the behavior and follow-up actions.

## **SECTION VI: Discipline Overview**

### **A. School Discipline Philosophy**

Staff members at MSA believe in using fair and thoughtful ways to handle discipline. We use strategies that are free from bias, discrimination, and/or exclusion and help all students grow into responsible citizens at school and in their communities. In a democratic society, everyone in the community helps teach students how to be good citizens.

On our MSAB and MSAD campuses, we support students as they learn to take responsibility for their actions. We follow the “*Positive Behavioral Interventions & Supports (PBIS)*” philosophy to guide our actions regarding student discipline. PBIS is based on research and helps prevent behavior problems and teaches students how to act in positive and respectful ways. It also supports their social, emotional, and behavioral needs.

MSA’s discipline system helps students learn how to make good choices based on internal motivation. We help students learn how to set goals, make decisions, solve problems, speak up for themselves, and take control of their own lives. MSA will work with parents, families, teachers, staff, and students to create a learning environment that is safe, orderly, respectful, conducive to learning, supportive of diversity, and free of harassment and bullying.

#### **MSA’s discipline approach is based on the following shared principles:**

- MSA is part of our local, state, and national communities – we have a responsibility to prepare our students to be successful in life. Adults facilitate our students’ success by staying close, paying attention, and encouraging them with kind words.
- Adults respond quickly and kindly to children’s needs, and they adjust their responses based on each child’s style and ability.
- Positive relationships are the basis for all successful behavioral support and interventions. Using those relationships with our students, adults use teaching moments to help students develop their social and emotional coping skills to improve their responses to situations.
- Mistakes are opportunities to learn and grow. Not all situations require punitive consequences – adults use our knowledge of students’ needs and abilities to craft appropriate responses and restorative practices. Additionally, MSA recognizes that our young students learn by trying things out and making mistakes, and that wrong answers help them develop understanding.
- Adults help students build self-esteem by accepting, comforting, and respecting them, no matter how they behave.
- Everyone should always be treated with respect.
- Families, friends, staff members, and others in our students’ lives have a great influence on the choices that they make.
- Adults at MSA provide many opportunities for children to share what they need or want. Teachers and staff watch for signs of stress and know ways to help children calm down.
- Adults help students learn self-control by:
  - Setting clear and fair rules for behavior (or helping older children set their own rules).
  - Valuing mistakes as opportunities to learn.
  - Redirecting children to choose more acceptable behavior or activities.
  - Listening when children share their feelings or frustrations.
  - Teaching and showing how to solve problems and resolve conflicts.
  - Patiently reminding children of rules and why they exist.
- Adults are always responsible for the children under their supervision. Adults help children become more independent as they grow and learn new skills.
- Actions have consequences (both negative and positive), which may lead to more or fewer opportunities in life.

- Individuals must accept responsibility for their behavior, with support provided based on their age and abilities.

## **B. Students' IEP/IFSP and Due Process**

To attend MSAB and/or MSAD, students must meet Minnesota Special Education criteria (MN Statute 125A.69) and therefore are afforded the due process rights and safeguards defined in state and federal law.

All students are provided with unique individualized instruction within an Individual Education Program (IEP) or Individualized Family Services Plan (IFSP) which are reviewed and revised at least annually. Parents and resident school districts are integral members of the IEP/IFSP team. Arrangements can be made for parents and others to participate via phone, videophone, or other conferencing solutions (i.e., Zoom) if it is not possible to attend the meeting in person. An IEP/IFSP team meeting can be requested by any team member at any time to discuss the student's program by contacting the Director of either Academy or the Director of Student Support Services (Special Education Director).

Changing school district (residency): If a family moves into another school district, the parent/guardian must:

- 1) inform MSA IEP/IFSP Case Manager and Main Office.
- 2) Register their child in the new school district immediately.
- 3) Inform the school district of the student's attendance at MSA and the need for continuing special education services.

MSA will collaborate with the new school district to ensure a smooth transition and continued placement at MSA.

## **C. IEP/IFSP and Student Discipline**

One of the special factors the student's IEP/IFSP team must consider is behavior – specifically, whether the student's behavior impedes their learning or that of others. Regarding behavior that interferes with the student's own learning or that of others, the IEP/IFSP team has the responsibility to address the behavior in a manner consistent with the severity of the problem and the student's specific disabilities and learning needs. This may include adaptations and/or modifications to how policies or procedures are applied for that student.

### **Facts about Suspension and Expulsion**

- MSA Administrators can remove a student who is receiving special education services from their educational program for a maximum of ten cumulative days per school year (including in-school suspension if regular education services are not provided).
- A student can be suspended for more than ten school days in a school year but must receive a free appropriate public education on the 11<sup>th</sup> day and after; or after the 5<sup>th</sup> consecutive school day if a suspension exceeds five consecutive school days.
- Students in Early Childhood and Grades K-3 will not be subject to suspension unless non-exclusionary discipline measures have been exhausted and there is an ongoing serious safety threat to the child or others.
- The IEP/IFSP team must consider if the student's behavior was caused by their disability. If the behavior was not caused by the disability, disciplinary action can be applied as would be with any other student. If the team decides that the behavior was caused by the disability, the student may not be suspended or removed. The team may, however, change the student's placement through the IEP process.
- After a student has been suspended for 10 school days in a school year, the student's IEP/IFSP team must convene to **hold a manifestation determination meeting**.
- A student with a disability may unilaterally be placed in another educational setting for no more than 45 calendar days if:
  - a. they carry a dangerous weapon to, or possess a dangerous weapon at school, on school premises, or to or at a school function under the jurisdiction of MSA.

- b. they knowingly possess or use illegal drugs; or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of MSA.
- c. they have inflicted serious bodily injury upon another person while at a school, on school premises, or at a school function under the jurisdiction of MSA. 34 C.F.R. § 300.530(g); 34 C.F.R. § 300.530(i)(4).

**Definitions:**

*The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2.5 inches in length. 18 U.S.C. § 930(g)(2).*

*Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (34 C.F.R. § 300.530(i)(1)). Alcohol and tobacco are not substances listed in those schedules.*

*Serious bodily injury has the meaning given the term under 18 U.S.C. § 1365(h)(3). 34 C.F.R. § 300.530(i)(3). The term serious bodily injury means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. 18 U.S.C. § 1365(h)(3).*

**D. Notification of Rights under FERPA and Minnesota Laws**

The Family Educational Rights and Privacy Act (FERPA) and Minnesota laws afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's records. **Details of these rights can be found in MSA Policy# 515 on the MSA website.**

MSA gives notice to students and parents that the following directory information will be released without prior parental approval: ***Student's name; Grade Level; School/Team photographs; Participation in officially recognized activities and sports; Degrees, Honors, and Awards received; and Parent Names.*** Pictures of students or groups of students may also be taken and published in the newspaper, school publications, or other news media. These pictures will also be released without parental permission. **If you do not want to have any of the above information released without your approval, please put your request in writing and send it to the superintendent's office.**

**E. Complaint Process for Parents/Guardians**

1. Parents/guardians who have concerns, questions, or complaints about issues within the classroom or activity area should first address this directly with the teacher, staff member, or coach/sponsor. If the issue is not resolved, the parent or guardian **may contact the staff member's supervisor** for additional support.
2. Any parent/guardian having a complaint or concern about the operation of the school or how their child is being treated should first talk with the supervisor of the department involved.
3. If the parents/guardians are still not satisfied after discussion with the program supervisors, the parent/guardian may elevate the complaint/concern in writing to the superintendent. If the parents/guardians need assistance in documenting the complaint/concern, they may work with the superintendent's office to receive appropriate accommodations/support.

The complaint/concern along with all the suggested/attempted resolutions will be reviewed within 10 school days after receiving the written notification from the parent. The superintendent will respond to the parent/guardian within fifteen school days after receiving the complaint. The superintendent has the responsibility and authority to determine the appropriate final resolution of the complaint.

4. If parents have a complaint related to their child's special education services, all the due process rights related to the provision of special education services as identified in the Individuals with Disabilities Education Act (I.D.E.A.) will be followed. These are also outlined in the Minnesota Department of Education's publication entitled "Parent and Child Rights in Special Education, Procedural Safeguards Notice" which is included with all IEP/IFSP invitations sent from MSA and is also available when requested by parents/guardians. The parents should contact the MSA Director of Student Support Services to initiate this process.

## **F. Notice and Consent/Opt-Out for Specific Activities**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, and MSA Policy #520 – Research and Student Surveys, requires MSA to notify you and obtain consent or allow you to opt your child out of participating in certain school activities **involving research and/or surveys**. **Please refer to MSA Policy #520 on the MSA website for additional details.** Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.

## **G. Jurisdiction over Students**

All officials, employees, and authorized agents of MSA whose responsibilities include supervision of students shall have comprehensive authority within constitutional bounds to maintain order and discipline in school. In exercising this authority, such officials, employees, and authorized agents of MSA may exercise such powers of control, supervision, and correction over students as may be reasonably necessary to enable them to properly perform their duties and accomplish the purposes of education.

This authority applies whenever students are lawfully subject to the schools' control, regardless of place. During such periods, MSA authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the schools' authority. The foregoing is intended to reflect the common law regarding the rights, duties, and liabilities of MSA authorities in supervising, controlling and disciplining students. Nothing herein shall be construed as enlarging the liability of MSA authorities beyond that imposed by statute, common law, or Minnesota Department of Education regulations.

## **H. School Authority over Non-Students**

In furtherance of the state's compelling interest in the orderly operation of the MSAB/MSAD campuses and school activities, school officials have the following forms of authority over non-students whose actions adversely affect school operations or activities.

### **On School Property**

MSA may prohibit entry to and provide for the removal from any MSA building or grounds of any person who refuses to identify themselves and state a lawful purpose for entering. Any person who refuses may be removed by school authorities, who may utilize law enforcement officials to assist in the removal. Alternately, a person who refuses and who then refuses a lawful request to leave school premises may be subject to arrest by law officers for criminal offenses, including but not limited to criminal trespass, interference with the educational process, or disorderly conduct. A person who does identify themselves and states a lawful purpose may nevertheless be subject to removal by school officials for engaging in activities prohibited by this regulation. The person may also be subject to arrest by law officers if they are committing any crime.

### **Off School Property**

MSA authorities have indirect and limited authority over the activities of non-students off school property. To the extent that non-students' conduct at or near MSA or school-sponsored activities may constitute a criminal offense, including the crimes of interference with the educational process, disorderly conduct, or criminal trespass (after refusing a lawful request to leave), school authorities may request law enforcement agencies to arrest the offenders.

## **I. Locker, Room, and Body Searches**

Pursuant to Minnesota Statutes, school lockers, dorm rooms, and other spaces provided by the Academy are the property of the Academy. At no time does the school relinquish its exclusive control of lockers, dorm rooms, or other spaces provided by the Academy for the convenience of students. Inspection of the interior of lockers, dorm rooms, and other spaces may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. **Details can be found in MSA Policy #502 on the MSA website.**

## **SECTION VII: Code of Conduct**

### **A. Code of Conduct**

MSA is responsible for making sure that the school is safe, secure, and peaceful for everyone, including students, staff (all school employees and school board members), parents/families, and volunteers. Therefore, this school-wide Code of Conduct has been adopted to help keep our school a positive and welcoming place to learn. This code of conduct is reviewed every year.

All parts of this Code of Conduct apply to everyone in the MSA school community. Everyone has a duty to respect the learning process and if someone disrupts learning, it will be addressed in a prompt manner. Infractions of this Code of Conduct will be carefully assessed, and the rights and responsibilities of both the student and the school community will be respected. This helps keep everyone safe and supports a positive school experience for all.

### **B. Code of Conduct: Student Rights and Responsibilities**

MSA students have the right to:

- Get a high-quality education that meets their individual needs as written in their IEP or IFSP.
- Participate in planning their own IEP.
- Develop to their best potential in all areas (i.e., language, communication, academics, social/emotional skills, physical/motor development)
- Be treated with respect as an individual.
- Attend school and take part in school activities in a safe and healthy environment.
- Share their views and opinions.
- Talk about their thoughts and ideas in a respectful way.
- Learn about and ask questions about how things work at MSA, MSAB, and/or MSAD.
- Tell their side of the story in their own words during any investigation of an incident (this is called due process).
- Expect confidentiality regarding their school records. Only the student, their parents/guardians, and school staff who work with the student can see their school files. If a student tells a staff member something, it will be kept private unless it involves something dangerous or illegal. In those cases, the staff member must report it to appropriate people and/or agencies to keep everyone safe.
- Be treated fairly and have equal chances to participate in school and after-school activities. Students cannot be denied participation because of gender, gender identity, race, creed, religious beliefs, sexual orientation, pregnancy, marital or parental status, economic status, or mental, physical, emotional, or learning disability.

MSA students are expected to:

- Attend class every day, be on time, and take part in class activities. Follow schedules and turn in work on time. Help create a good learning environment by not distracting others and respecting their rights to learn.
- Participate in creating your IEP (Middle School and High School age).
- Respect and obey MSA rules.
- Take responsibility for your actions, choices, and behavior. Solve problems in a respectful and peaceful way.
- Respect what other people think and believe. Treat others the way you want to be treated. Do not bully, harass, or hurt anyone in any way – physically, verbally, or sexually.
- Take care for MSA property, including books, furniture, lockers, and equipment.
- Take care of your own belongings, and respect other people's things.
- Work towards your IEP goals. Study and ask questions when you need help.

- Show good behavior and make positive choices in class, after-school activities, and other school activities like sports.

### **C. Rules of Conduct**

The following actions are **NOT PERMITTED** on school property, on school transportation, and/or at school-related and school-sponsored activities. School staff will make sure that these rules are followed in a way that is fair, firm, and consistent. When deciding how to respond, they will consider the student's age and cognitive abilities. Staff will use information from the student's IEP to get information about their thinking and learning abilities. **If a student may have broken the law, the school will report it to the police or another law enforcement agency for follow-up investigation – no exceptions.**

1. Using Too Much Profanity – Using inappropriate, disrespectful, offensive, and/or profane language, including in texts or online messages.
2. Inappropriate Clothing – Wearing clothing that do not follow MSA's Dress Code, including standard clothing/shoe requirements for specific classrooms or job sites.
3. Violence – Hurting others or acting in a threatening way. This includes bullying, fighting, hitting, kicking, biting, or using offensive/threatening language toward someone.
4. Harassment, Bullying and Stalking – Saying or doing things that make someone feel uncomfortable or unsafe. This includes mean or unwanted comments and/or gestures about someone's language, abilities, religion, race, gender, gender identity, culture, and/or sexual orientation – whether in person or online.
5. Sexual Harassment – unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, including texts or online messages.
6. Sexual Activity – Any sexual actions, including, but not limited to, intentional touching of another person's genitals, groin, inner thigh, buttocks, or breasts, or clothing covering those areas.
7. Possession and/or use of drugs, alcohol, and/or tobacco.
8. Graffiti and/or vandalism – Damaging or writing on school property and/or someone else's property without permission, either at school or during school activities.
9. Theft of, and/or possession of someone else's school property and/or personal property, either at school or during school activities.
10. Inappropriate use of computers, apps, or the Internet as described in MSA Policy #524.

### **D. Response to Possible Criminal Offenses**

Students who violate the Code of Conduct in the categories listed below shall be subject to disciplinary action. MSA is committed to support student learning while making sure that consequences match the seriousness of the behavior and the age/developmental levels of the student. Any alleged criminal offenses shall be thoroughly investigated and will be reported to law enforcement. Following IEP procedures and regulations, students may also be placed into long-term suspension, alternate educational placements, or expelled for instances of these offenses.

The following categories of misconduct committed by a student are considered possible criminal offenses:

- Possession of weapons of any kind, or facsimile (look-alike) weapons – including, but not limited to explosives, firearms, knives, chains, and/or any object that is considered an injurious object by site staff. Students in possession of or having knowledge of weapons will be reported to law enforcement and suspended from school pending a formal hearing.
- Possession/use/distribution of illegal drugs, drug paraphernalia and alcohol.
- Criminal violence and battery, including threats.

- Criminal vandalism and theft.
- Severe and/or Repeated Harassment, Bullying, and/or Stalking, including messages sent via electronic communications.

### **E. Fees and Financial Responsibility**

Regular school instructional programs, **including equipment and materials specified in the students' IEP/IFSP**, are provided without cost to the student or family, but fees may be required for materials used by the student that become the personal property of the student and for optional field trips/activities. Fees may also be charged for extracurricular activities. Admission fees may be charged for extracurricular programs and activities. If such fees create an economic hardship for the student and family, the fees may be waived and/or special arrangements made.

All textbooks, library books, and technology devices are the property of MSA and are offered for student use without a fee. They should be returned in the same condition in which they were issued. Students are responsible for damage or loss. **Willful defacing, damage, and/or destruction of textbooks, library books, and technology devices is prohibited, and students may face disciplinary action, including possible restitution.** All materials, books, and technology devices are to be returned at the end of the school year, upon graduation, or transfer to another school.

Students are also responsible for school equipment, furniture, and buildings. If students willfully deface, destruct, or otherwise damage school equipment, furniture, or buildings, they will also face disciplinary action, including possible restitution.

Students will not have their enrollment delayed or be excluded from school because of outstanding fines/fees but official transcripts may not be processed/delivered until outstanding debts are paid in full.

### **F. Dress Code**

Since MSA's purpose is to help students learn, anything that gets in the way of learning - like certain behaviors or the way someone is dressed - will not be allowed. Our goal is to ensure that students can express themselves through clothing in ways that reflect their identity, culture, and comfort, while maintaining a safe distraction-free environment that supports learning for all.

These guidelines apply equally to students of all genders, gender identities, races, body types, cultural backgrounds, and abilities. Our priorities are safety, respect, and comfort, rather than enforcing style or cultural conformity.

Students are encouraged to dress appropriately for the seasons in Minnesota. In cold weather, coats, hats, and gloves are necessary. When the temperature lowers to 10 degrees or below, ECE and Elementary students may also need snow pants and boots. Campus and student life directors will provide guidance to staff members regarding expectations for cold-weather clothing based on weather reports. If students do not have appropriate cold weather clothing, they may not be permitted to leave the building. When the temperature is at 0 degrees or below (following "feels like" criteria), a cold weather shuttle may be provided to transport students between buildings (i.e., to/from the cafeteria or the gym).

Principals/Supervisors serve as final arbitrators of appropriate dress and will grant exceptions based on religious beliefs and/or other applicable reasons.

Coaches may have specific dress requirements for their athletic teams **during travel** – coaches will communicate this with their players.

If a student's clothes are deemed inappropriate according to our dress code, the student must change into different clothing that meets our dress code requirements. If the student does not have alternate clothes, the principal/supervisor will provide clothing that meets dress code requirements for the remainder of that school day.

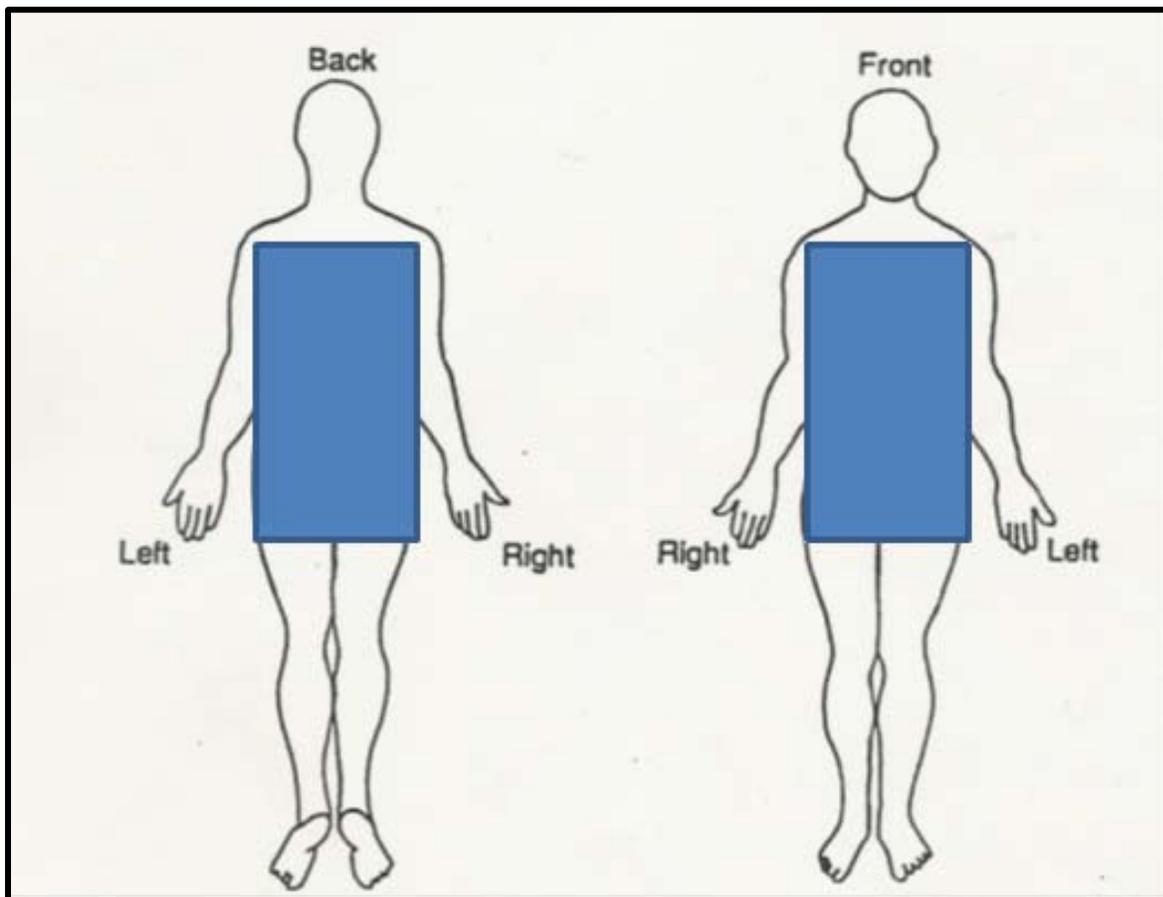
Clothing guidelines/expectations may also vary for Industrial Arts, Science, Physical Education, and/or work study/job preparation classes/placements. Teachers will discuss expectations and guidelines for those sites with students who are enrolled in those classes. Students who show up unprepared without appropriate clothing will be required to sit out the day's activities and their absence will be considered unexcused.

### General Expectations

- Students should wear clothing that:
- Covers private areas and undergarments during normal school activities (walking, sitting, bending, moving)
- Allows for full participation in classroom and school-based activities
- Does not pose a safety risk to the student or others
- Does not promote hate, violence, or illegal activity.

Clothing must cover the student's private areas as defined in the diagram below at all times, including times when students are seated and/or bent over.

*(Image Description: Two Figures – one labeled as "Back," and one labeled as "Front" – the "Back" figure has a solid rectangle covering the back and buttocks area; the "Front" figure has a solid rectangle covering the chest area and the groin area)*



### Shirts and Tops

- Mesh or see-through tops must be layered with clothing underneath that provide appropriate coverage of private areas.
- Sleeveless tops are allowed. If the armholes are very large and expose the chest, another shirt

underneath is required.

- All shirts should provide coverage of the chest, back, and torso during regular movement.

### **Pants, Shorts, and Skirts**

- Clothing should provide adequate coverage of the body and undergarments during regular activities.
- Items with large holes, tears, or rips in areas that expose undergarments, or private areas are not allowed.
- Pants, shorts, and skirts can be worn in a variety of styles and fits as long as they meet basic coverage and safety expectations. Clothing must be appropriate for school environments (e.g., pajamas or sleepwear cannot be worn except during special themed days).

### **Headwear**

- Hats and other head coverings are allowed, including those for cultural, religious, or medical reasons.
- In classrooms where full visibility of a student's face is necessary for communication (e.g., in classrooms where ASL is used for instruction), students may be asked to adjust headwear to show their faces.
- Sunglasses can only be worn during class if required for vision or medical needs.

### **Footwear**

- Footwear must be worn at all times for safety.
- Specific classes or work sites such as science labs, gym class, or workshops) may have additional footwear requirements. Teachers will inform students of specific requirements in advance. Students who show up unprepared without alternate footwear will be required to sit out the day's activities and their absence will be considered unexcused.
- Athletic events, PE classes, and activities in the gym require that students wear appropriate athletic shoes with non-marking soles. Students who show up unprepared without alternate footwear will be required to sit out the day's activities and their absence will be considered unexcused.
- Due to safety concerns, bedroom or other soft-soled slippers are not allowed.

### **Prohibited Messages on Clothing**

Clothing or accessories may not include:

- Hate speech, threats, or language targeting any group based on race, gender, ability, religion, sexual orientation, or identity.
- Promotion of illegal substances (alcohol, drugs, tobacco, etc.)
- Images or language that promote violence or harassment.
- Images or languages signifying membership or alliance with gangs or gang-related activities.

### **Equity in Enforcement**

- All dress code expectations will be applied equitably, regardless of a student's race, gender identity, cultural background, body type, or disability.
- Staff will not shame students or make assumptions based on appearance.
- Concerns about clothing will be addressed respectfully and privately.
- Students will be offered solutions and support rather than punishment whenever possible.

### **Clothing for recess/outside activities (ECE and Elementary students)**

We believe it is important for early childhood and elementary students to go outside for some physical activity every day. Students are provided with a recess during school hours. We expect everyone to come to school dressed and prepared for outside recess/weather. We will have

indoor recess on days when the weather is not suitable for outside play (i.e., wet playground, windy/rain/snow/sleet; actual temperature/windchill of **10 degrees or below**).

### **G. Drug Free and Alcohol Free Environment**

MSA recognizes alcohol and other drug use/abuse as a societal problem and that dependency on such drugs is a disease that can be successfully treated.

MSA recognizes the responsibility to establish discipline policies and procedures in relation to student alcohol and other drug use. In addition, the Board supports alternatives for helping students, their families, and staff through training and community education/awareness activities.

MSA prohibits students from using, possessing, distributing, or trafficking alcohol and/or illegal drugs (as proscribed by the Controlled Substances Act and Schedules I through V of the Federal Drug Free Workplace Act of 1988) and drug paraphernalia on school property, at school, at school-sponsored activities, or at any time the student is under the supervision of MSA. Students, while on school property or attending a school-sponsored activity, who use, possess, distribute, or sell alcohol, and/or other drugs and drug paraphernalia shall be subject to intervention, discipline, suspension, expulsion, and/or other appropriate alternatives. This also applies to the misuse or abuse of prescription and over-the-counter medications.

### **H. Tobacco/Smoke Free Campus**

MSA believes smoking is injurious to the health of the smoker and the others exposed to second-hand smoke. MSAB and MSAD are “smoke-free” campuses. Smoking or tobacco use by staff, students, or visitors is strictly prohibited by state law. For clarification purposes, “tobacco” is defined to include any lighted or unlighted cigarette, cigar, pipe, clove cigarette, and/or any other smoking product, and spit tobacco, in any form. **Tobacco-related devices or activated electronic delivery devices (i.e., vaping equipment) are also prohibited, regardless of the potency or contents. Please refer to MSA policy #419 for additional details.**

No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew tobacco at any time, including non-school hours:

- in any building, facility, or vehicle owned, leased, rented, or chartered by MSA;
- on school grounds, athletic grounds, or parking lots; or
- at any school-sponsored event off campus.

In addition to the above, no student is permitted to possess a tobacco product on campus except for American Indian students who may be allowed to carry a medicine pouch containing loose tobacco intended for an observance of traditional, spiritual, or cultural practices.

### **I. Public Displays of Affection, Dating, Sexual Activity, and Pornography**

The effective education of our students requires a school environment which promotes responsibility, respect, civility, and academic excellence in which students are safe and secure. MSA encourages the healthy social development of its students. Generally, public displays of affection and sexual activity are not appropriate at school, or when under MSA supervision, such as during off-campus activities, transportation to/from MSA, and athletic events. For this reason, MSA also prohibits magazines, books, videos, pictures, or other materials of a pornographic nature.

#### **Inappropriate Public Displays of Affection**

All students are prohibited from engaging in public displays of physical affection which include prolonged or passionate hugging, prolonged or passionate kissing, extremely close physical

contact, or any physical expression of affection that is sexual in nature. Staff members will guide students in learning appropriate physical boundaries. Violations of this type will be handled in the following manner:

- 1<sup>st</sup> Offense – Verbal Warning
- 2<sup>nd</sup> Offense – Meeting with students – increased monitoring
- 3<sup>rd</sup> Offense – Meeting with students and their parents – continued monitoring
- 4<sup>th</sup> Offense – Disciplinary Action

Actions that “cross the line” and involve contact of private areas will not be handled as Inappropriate Public Displays of Affection but will be referred for further action outlined in the Sexual Activity section below.

Violations of this policy by students may result in appropriate student discipline, consistent with the student’s IEP/IFSP. This policy shall be implemented and enforced in conjunction with the policy on student-to-student sexual harassment.

### **Dating**

We recognize dating as a developmentally appropriate social activity for students in the high school and middle school departments. As a part of our continuing efforts to promote appropriate social interactions between our students and maintaining a safe environment for our younger students, we have established the following guidelines for dating at MSA. For clarification, MSA considers dating to include actions such as handholding, hugging, kissing, and/or similar behaviors.

1. Elementary Students are not allowed to date.
2. Dating between Middle School students and High School students is prohibited.
3. Students are only allowed to date others who are close to their age (within 36 months).
4. Students who are above 18 years of age may not initiate dating with students younger than 18 years of age. They will be made aware of the potential legal ramifications of engaging in sexual activity as defined above. (Parents of the minor student dating a student above 18 years of age will be notified if/when we become aware of the dating behavior)
5. Parents/guardians may establish additional provisions and support for individual students by working with the director of each campus.

Dating must abide by the rules above regarding sexual activity and public displays of affection.

### **Sexual Activity**

All sexual activity is prohibited. Sexual activity involves touching another’s intimate parts. Intimate parts include the primary genital area, groin area, groin, inner thighs, buttocks, or breasts, as well as the clothing covering these areas. Even if consensual or mutually agreed to, sexual activity is prohibited. Sexual Activity will be investigated and referred for further follow-up action/consequences. **This includes viewing, downloading, and/or sharing of pornographic materials.**

### **J. Threats to Harm Others**

Threats, gestures, and actions to harm others will all be taken seriously and will all be handled in the same manner. The safety of all students and staff is **of utmost importance.**–Staff will utilize all interventions to calm the student and reduce anger and aggressive actions. The family will be contacted immediately, and follow-up procedures with appropriate staff and the SST process will be implemented.

## **K. Weapons**

No student shall possess, handle, or transmit any objects that can reasonably be considered a weapon on campus or at any school-related activity off campus. This includes any firearm, explosive (e.g., firecrackers), knives (including box cutters), and other dangerous objects or look-a-likes. Any student possessing or using a weapon will be immediately suspended from school and reported to the police; and an IEP meeting will be held to discuss modifications in the student's IEP, including possible alternate educational placements, prior to re-admission. (See MSA Policy #501).

## **L. Investigation Procedures**

MSA administrators are responsible for investigating any allegations of rules violations, behavior incidents, and/or other concerns on campus. They will make decisions and assign consequences based on a preponderance of evidence that they gather during their investigation.

## **M. Tennesen Warning**

Students may be questioned by the administration about incidents that may have severe legal and/or educational consequences. Students will be provided due process rights as per Minnesota Statute 13.04 Subd. 2. The Minnesota Government Data Practices Act requires school districts, when asking a person to supply private or confidential information about the individual, to inform the person of:

1. The purpose and intended use of the requested data within the school district;
2. Whether the individual may refuse or is legally required to supply the requested data;
3. Any known consequences arising from supplying or refusing to supply private data; and
4. The identity of other persons or entities to receive the data as authorized by a state or federal law.

## **N. Interventions, Consequences, and Restorative Approaches**

Students needing interventions for their behavior may involve, but are not limited to, the following consequences/restorative approaches based upon the infraction/violation of school rules, the nature of disability and team decision.

- **Student / Staff Conference:** The student and staff will meet to discuss the student's behavior and its causes, alternative behaviors, and behavioral expectations.
- **Removal from Area:** Students who cannot behave appropriately may need to be removed temporarily from an area to regain control. Staff will supervise and provide support/assistance to the student during this time away from the activity.
- **Parent Notification:** Parents of students who repeatedly have difficulty complying with MSA's behavioral expectations will receive a written "Conduct Report." As needed, parents will be notified by phone.
- **Child Study Team (CST) Conference:** When a change in behavior is noted which includes a consistent pattern that interferes with education progress, the student will be referred to the child study team.
- **In-School/In-Dorm Suspension:** Should the severity or frequency of the student's behavior reach the point of creating excessive disruption or possible danger to others, it may be necessary to remove the student from the regularly scheduled educational and/or dormitory activities. The student will be placed into In-School Suspension or In-Dorm Suspension for either the entire day or a portion of the day and will receive full-time staff supervision. Parents will be notified. Students can make up work missed and will receive credit for this

work. Days during which a student is in in-school suspension shall not be counted in a student's total cumulated unexcused absences.

- **Out-of-School Suspension:** A student whose behavior is severe and/or unsafe may be suspended from school and/or the dorms for a predetermined number of days as determined at an administrative conference. Upon the student's return to school, a re-admission conference will be held with parents, student, and administration. Students may make up work missed for credit. Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences. **During suspension, students are not allowed to return to campus or participate in school-sponsored activities until the re-entry meeting has taken place.**

Prior to re-entry to the school program and/or dormitory, it is critical that MSA determine whether the student is a danger to others and what supports are necessary to improve the students' behavior in order to participate in classes appropriately. A re-admission IEP meeting and/or manifestation determination with the student and the parent/guardians may be necessary to determine what, if any, additional services, IEP modifications, and/or interventions are needed. The student will be readmitted only when school administrators have reasonable reassurance that the student is not a danger to harm others.

## **SECTION VIII: Health and Nutrition Services**

### **A. Health and Wellness Services**

#### **School Health Services**

MSA is committed to providing safe and healthy campuses for our students, families, community, and employees. Our health and wellness plans will be reviewed periodically, and updates will continue to be implemented in accordance with recommendations and/or guidelines from the Minnesota Department of Education (MDE), Minnesota Department of Health (MDH), and the Centers for Disease Control and Prevention (CDC). At MSA, we have a unique student population serving students from all over the state from ages 12 months through age 22. About 40% of students live on campus, and we have a high percentage of students with health and/or other challenges. Due to these factors, our health and wellness plans may have additional details and limitations beyond the usual mitigation strategies.

School Health Services at MSAD and MSAB are staffed by nurses Sunday from 6:00 p.m. to 10:00 p.m.; Monday through Thursday from 6:30 a.m. to 10:00 p.m.; and Friday from 6:30 a.m. to 2:30 p.m. Hours may vary according to the school schedule and student needs.

#### **Medical Provider Requirement**

It is necessary for all students at MSA to have their own medical provider for primary care as Health Services staff are not a substitute for this care. Consultation, observation, evaluation, treatments following physician guided plans, first aid, medication administration and monitoring, health care procedures, health education and other school nursing functions by licensed nurses shall be available to all students without charge during health service coverage hours. The health services nurses work in collaboration with other service providers to assist in supporting the physical, mental, emotional, and social health of students and their success in the learning process.

#### **Health Records**

Parents/guardians are responsible for providing current health information to the School Health Office and Staff. To provide for the health needs of each student, the following Student Health Forms must be completed and returned to the School Health Office as requested. Failure to provide completed information/forms may result in a student being unable to attend until health information is complete:

- Student Health Information (annually)
- Standing OTC Medication Orders (annually)
- Medication Orders (Medication Request and Physician Authorization): Must be completed by a medical provider (annually for students on medication, new orders or changed orders).
- Health Physical (Physician Evaluation Report): Must be completed by a medical provider (annually for students who receive medication, special medical treatment students who have a chronic health problem; every three years for students who do not receive medication, treatments and have no significant health concerns/changes).
- Immunization Documentation (Reviewed annually)
- Audiological Exam Information (requested of MSAD students – as available for MSAB students)

- Vision Exam Information (requested for MSAB students – as available for MSAD students)
- Other health information as requested.

### **Illness Prevention**

- Practice good hand hygiene/washing your hands often.
- Cover your cough.
- Reach out to your healthcare provider if you have questions about vaccination recommendations.
- Watch for symptoms of illness including fever (100.4 or greater).
- Stay home when sick to help decrease the spread of illness to others.

### **Student Illness**

Do not send your child to school if they are sick.

- Students who have symptoms of illness, respiratory or gastrointestinal infections, such as cough, fever, sore throat, vomiting, or diarrhea, should stay home.
- 24 hours rule: After an illness, the student can return to school once they have been fever-free for 24 hours (without fever-reducing medication) and symptoms are gone or have significantly improved.
- If a student is sick with vomiting or diarrhea, they should not return to school until their illness has resolved, and they are able to eat a full meal and remain symptom free for at least 12-24 hours.
- Specific illness Guidance:
  - Respiratory Illness Guidance: If your child has tested positive for a respiratory illness (i.e., Influenza, COVID, RSV, others) the student must stay home until they have been fever-free 24 hours (without medications), symptoms are gone/significantly improved and they can participate fully in their school day.
  - Norovirus: 24 hours after diarrhea and vomiting have stopped, and the student is well enough to participate in their school day.
  - Rash with a fever: Your child should be seen by a healthcare provider before returning to school. A note from your healthcare provider must be provided to health services.
- A student who is sick on the weekend should not return to school or to the dorm until the illness has resolved.
- A student resting in the health services office during school hours under the direction of the health services staff will be considered an excused absence.
- If a student is absent from school for three (3) or more consecutive days, a written doctor's note may be required which explains the reason for the absence. For frequent absences due to illness, parents/guardians will need to send a written note from a doctor/medical provider if requested from the health services director or director of the school.
- Contact Health Services if you have questions about communicable illness diagnosis and when to return to school. ([msahealth@msa.state.mn.us](mailto:msahealth@msa.state.mn.us)) Your healthcare provider can also share guidance.

## **Student Illness Procedure**

Students who display symptoms of illness should be referred to the School Health Office for evaluation. The nurse will determine whether the student can remain at school or needs to go home. Students are encouraged to report symptoms and visit the school health office for additional support as needed. Students may be allowed to rest in the Health Services designated area if they are unable to participate in school or dormitory activities due to illness or injury. A student should not be in the dormitory or school if they are sick, fever greater than 100.4 degrees, injury/illness that limits their ability to perform self-care, vomiting, diarrhea, or any illness or injury that makes it difficult to participate in school/normal activities.

## **Parent Responsibilities**

If a child cannot stay at school or needs to go home (due to illness, injury, or other), the parents/guardians will be contacted to pick up their child. Parents are responsible for having a plan to pick up their child upon notification of need, including a back-up plan in case of severe weather and/or parent illnesses/conflicts. It is the responsibility of the parent/guardian to contact the doctor if a student's illness or injury needs additional medical attention, unless it is an emergency, or unusual circumstances exist.

## **Communication with School Health Office Staff**

Parents and students are encouraged to contact the School Health Office regarding any health concerns. If a student is returning to school following an extended or significant illness, injury, or surgery, please contact us to let us know the student's condition and provide any needed documentation. Any student who has surgery, hospitalization, or a serious illness must have a physician's note and written authorization to return to school/dorm.

## **Medications**

A written doctor's order is required for all medications including over-the-counter medications (unless the medications are included on the Academies "Over-the-Counter Medication" form). In addition, doctor orders or confirmation are required when a medication is discontinued or if the dose is changed, and the medication/new dosage needs to be supplied to Health Services. The doctor's order must include the date, name of the medication, dose, route, time to be given, and a physician's signature. Medication orders are good for one year. Health Services does have some over-the-counter medications listed on the "Over-the-Counter Standing Medication" form. The medications supplied by the Academies are given per standing orders which are reviewed and signed by a local physician annually. The over-the-counter medications listed on the "Over-the-Counter Standing Medication" form may be administered as needed only if the parent or guardian has signed the "Over-the-Counter Standing Medication" form. When possible, all medications should be brought directly to Health Services by the parent/guardian. If this is not possible, parents must notify Health Services of how the medication will arrive at the Health Services Office. Controlled substances should be delivered by the parent/guardian directly to the nurse. If a parent/guardian is unable to do this, the originally labeled bottle of medication must be put in an envelope, the envelope sealed, the parent's/guardian's signature written across the seal, and a note written in the envelope stating how many tablets are in the bottle being sent. Parents/guardians must call Health Services and inform nursing staff that the medication was sent with the student. Students should be instructed to deliver all medication directly to health services immediately upon arrival on campus.

Medication must be sent in the original pharmacy labeled container, and the name, medication, dose, and frequency must match the written healthcare provider's order on file for the medication.

ALL medication will be kept in the Health Services Office except in unusual circumstances as authorized by Health Services nursing. Students who are found to be in possession of any medication, either prescription or over the counter, may be subject to discipline - this discipline may include suspension. All medication will be administered by licensed nurses or may be delegated to an identified trained staff (during field trips, off campus activities or special events). The training can be conducted by the Registered Nurse or Licensed School Nurse.

### **Medical Emergencies**

The medical emergency system of the area in which the emergency occurs will be used to provide care. District One Hospital is very close to both academies and would be the hospital of choice for emergencies that happen at school. All students are required to have current health insurance information on file in the Health Services Office. Parents/guardians will be notified as soon as possible in the event of an emergency.

### **Vaccinations/Immunization Status**

Minnesota statute requires school-age children to be vaccinated against certain vaccine-preventable diseases or have a letter of exemption on file with the school. Schools are also required to complete the Annual Immunization Status Report indicating vaccination rates for the school district.

### **Vision & Hearing Screening**

Vision and/or hearing screening shall be conducted periodically for identified students. These screenings are tools to help identify students with vision or hearing issues and are not intended to diagnose diseases or treat problems.

## **B. B: NUTRITION/FOOD SERVICES**

MSA strives to create a healthy learning environment for all students. It is our goal to provide appealing, well-balanced meals that meet the nutritional needs of our students.

Our academies participate in the National School Breakfast and Lunch Program which provides some funding for our meals. School breakfasts and lunches must meet the nutritional requirements put forth by the Federal Government and the USDA. We offer a wide variety of healthy options at all meals, snacks, celebrations, and school functions.

Our academies established a Wellness policy ([Policy #533](#)) which guides many of our food related activities. Our policy was implemented to improve the overall health and well-being of our students and staff and safeguard our students from foodborne illnesses.

MSA Food Services offers breakfast, lunch, and supper. All students are required to attend scheduled mealtimes while they are on campus, unless there are special exceptions as directed by a student's IEP/IFSP or other school related activities.

We will accommodate any student with special dietary/nutritional needs to the best of our ability. If a student has a special dietary/nutritional need, a signed doctor's order should be submitted, and the issues should be discussed with the Health Services Director and Food Service Director. [Special Diet Statement and link here](#)

Parent/guardians must consult with their child's teacher and director before bringing food for student consumption. Personal snacks brought to campus should be healthy (in compliance with MSA's Wellness Policy #533.)

Due to food allergies and intolerances, students cannot order food to be delivered during the school day (Breakfast/Lunch). If students bring their own breakfast or lunch to the dining room, the meal must be for themselves only and not shared with peers/classmates. **We are a Nut Aware campus** which means that everyone must consider peanut/nut alternatives for individual students and staff meals and snacks out of consideration to our students with severe, life-threatening allergies. Because of the seriousness of those allergies, we ask everyone to refrain from sending/bringing peanut or tree nut products to school. Due to shared lunch tables and chairs as well as the ease with which food residue is transferred, we are also keeping our dining rooms "peanut/tree nut free" so any products brought within student/staff lunches into the dining rooms must adhere to this expectation.

**Non-discrimination Statement:**

*In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and rights, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.*

*Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.*

*To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office, or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:*

- *Mail:*  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410
- *Fax:*  
(202) 690-7442
- *E-mail:*  
[intake@usda.gov](mailto:intake@usda.gov)

*This institution is an equal opportunity provider*

## **SECTION IX: MSA Policies Relevant to this Handbook**

All policies can be found on the [MSA Website \(Policies\)](#) or in the Superintendent's office.

- 1) Policy #404 – Employment Background Checks\*
- 2) Policy # 413 – Harassment and Violence\*
- 3) Policy #419 – Tobacco Free Environment
- 4) Policy # 501 – School Weapons
- 5) Policy #502 – Search of Student Lockers, Dorm Rooms, Other Spaces, Desks, Personal Possessions, and Student's Person
- 6) Policy #506 – Student Discipline
- 7) Policy #512 – School-Sponsored Student Publications and Activities
- 8) Policy #514 – Bullying Prohibition\*
- 9) Policy #515 – Protection and Privacy of Pupil Records
- 10) Policy #516 – Student Medication
- 11) Policy #520 – Participation in Research Projects and Student Surveys
- 12) Policy #521 – Student Disability Non-Discrimination
- 13) Policy #522 – Student Sex, Gender, Gender Identity Non-Discrimination
- 14) Policy #524 – Appropriate Use of Electronic Communication and Technology
- 15) Policy #526 – Hazing Prohibition\*
- 16) Policy #532 – Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds
- 17) Policy #533 – Wellness
- 18) Policy #543 – Crisis Prevention Intervention (CPI)

\*Policies required to be included in the Student Handbook.

**Other topics:**

**Photo/social media permissions**

**Fees (below)**

**Athletic/Competition Fees:**

<b>Varsity/JV Sports and High School</b>	<b>Fee</b>
Sports	\$150 each season.
Academic Bowl and other Academic Competitions	\$100 each season
<b>Middle School Sports</b>	
Sports	\$50 each season
Academic Competitions (including 5 <sup>th</sup> grade)	\$50 each competition.
<b>Elementary School</b>	
Sports	\$30 each season

*Other organizations/activities may require a fee or participation in fundraising activities.*

**Non- Athletic/Non-Competition Fees**

<b>Student Fees:</b>	
Elementary Drama	\$30
6-12th Drama	\$30
School Supplies (ECE-A+)	\$50 per student

**School Fees (all MSA students)**

<b>Student Fees:</b>	
Yearbook Fee (optional)	\$25 per year
For Middle/High School students only: School Identification Card	\$10 per replacement

**Student Life Program Fees**

<b>Student Fees:</b>	
Student Life Activity Fee (Day Students)	\$150 per year
<b>Additional Fee for Fridays</b>	<b>+\$50</b>
Dorm Activity Fee (Residential Students)	\$150 per year

*Fees must be paid prior to participation unless arrangements are made with campus/student life directors and/or the athletic director.*

*All fees are approved by the MSA board. Fees must be paid prior to participation unless arrangements are made with campus/student life directors and/or the athletic director. The maximum amount that a family will be requested to pay (multiple children) is \$650 per year.*