

Regular Meeting and Work Session  
Monday, April 21, 2025 5:00 PM

District Office Training Room  
West St. Paul/Mendota Heights/Eagan Area  
Schools  
1897 Delaware Avenue  
Mendota Heights, Minnesota 55118

## Agenda

1. Call Meeting to Order and Recite Pledge of Allegiance - 5:00 p.m.  
**Presenter:** Sarah Larsen, Chair
2. Approval of the Agenda  
**Presenter:** Sarah Larsen, Chair
3. Approval of the Consent Agenda  
**Presenter:** Sarah Larsen, Chair
  - 3.A. Approval of Minutes of the April 7, 2025 Regular School Board Meeting
  - 3.B. Approval of Personnel Recommendations
  - 3.C. Final Reading of Policy 506, Student Discipline
  - 3.D. Approval to Rescind Policy 430, Vaccination, Testing and Face Coverings
  - 3.E. Administrative Review of Policy 722, Public Data Requests
  - 3.F. Administrative Review of Policy 807, Health and Safety
  - 3.G. Approval of Termination and Nonrenewal of Probationary Teaching Contracts
  - 3.H. Approval of Field Trip for Two Rivers High School Speech Students May
  - 3.I. Approval of Field Trip for Two Rivers High School Speech Students June
  - 3.J. Second Reading of Policy 418, Drug Free Workplace/Drug Free School
4. Comments to the School Board - 5:05 p.m.  
**Presenter:** Sarah Larsen, Chair
5. Action Item - Approval of FY 26 Health and Dental Insurance Recommendations - 5:10 p.m.  
**Presenter:** Tye Michaels, Director of Human Resources
6. Second Reading of Policy 416, Drug and Alcohol Testing - 5:25 p.m.  
**Presenter:** Tye Michaels, Director of Human Resources
7. First Reading of Policy 535, Service Animals in the Schools - 5:40 p.m.  
**Presenter:** Peter Mau, Assistant Superintendent
8. Adjournment - 6:00 p.m.  
**Presenter:** Sarah Larsen, Chair

School District 197  
West St. Paul-Mendota Heights-Eagan Area Schools  
Regular Meeting  
Monday, April 7, 2025  
Mendota Heights City Hall, Council Chambers

A meeting of the School Board of Independent School District 197 was held on Monday, April 7, 2025 beginning at 6:00 p.m. pursuant to due notice.

The meeting was called to order by current Chair Larsen at 6:00 p.m. The following School Board members were present: Tim Aune, Marcus Hill, Sarah Larsen, Byron Schwab, Morgan Steele, Jon Vaupel and Randi Walz. Superintendent Peter Olson-Skog was also present. Student Representative Nawal Hassan was present and Patrick Bohmbach was absent.

Also present for the meeting were: Peter Mau, Assistant Superintendent; Sara Lein, Director of Special Education; Cari Jo Drewitz, Director of Curriculum, Instruction and Assessment; Tye Michaels, Director of Human Resources; Dave Sandum, Director of Technology; Sara Blair, Director of Communications; and Lisa Grathen, Director of Community Education.

**Agenda**

*It was moved by Ms. Steele and seconded by Mr. Schwab to approve the agenda as presented.*

*Aye: Tim Aune, Marcus Hill, Sarah Larsen, Byron Schwab, Morgan Steele, Jon Vaupel, Randi Walz. Nay: none.*

*The motion carried (7-0).*

**Consent Agenda**

*It was moved by Ms. Walz and seconded by Mr. Hill to approve the consent agenda items as presented:*

- Approval of the March 17, 2025 School Board Regular Meeting Minutes
- Approval of Personnel Recommendations
- Second Reading of Policy 506, Student Discipline
- Approval of December 2024 Accounts Payable Report
- Approval of December 2024 Treasurer's Report
- Approval of January 2025 Accounts Payable Report
- Approval of January 2025 Treasurer's Report
- Approval of January 2025 Wire Transfers Report
- Approval of Gifts to the District
- Approval of Field Trip for Two Rivers High School Robotics Students

*Aye: Tim Aune, Marcus Hill, Sarah Larsen, Byron Schwab, Morgan Steele, Jon Vaupel, Randi Walz. Nay: none.*

*The motion carried (7-0).*

## **Listening Session Report**

Board member Schwab stated that two individuals attended the Listening Session. Topics included strategic planning, voter fatigue, and funding. Appreciation was also expressed for the School Board.

## **Recognitions**

Superintendent Olson-Skog introduced students being recognized for winter athletics and activities achievements. Two Rivers senior, Brianna Cannon, was recently named the 2025 Boys and Girls Club Minnesota Youth of the Year for her dedication to supporting teen mental health. With this award, Brianna receives a \$20,000 scholarship towards her college education. Brianna will compete for the Midwest Region Youth of the Year this summer. Two Rivers senior, Isabelle Kirchner, scored 1,000 points during the basketball season and was named an All-Conference award recipient. Coach Mason Young introduced three wrestlers that participated in the state tournament – Ziggy Harahan, Emiliano Carrillo and Jayden Kinsel Arredondo. The Two Rivers dance team were crowned Section champions in both Kick and Jazz, achieving double Section 3AAA titles in the same season. B-Squad, JV, and Varsity were undefeated in both Kick and Jazz throughout the season. The team placed 10<sup>th</sup> at the State Tournament. Dance Program Director, Molly Engle, was named Section Coach of the Year in Dance. Students included: Bridget Arnold; Vanessa Castillo; Charlotte Chandler; Maddy Churchill; Amelia Commerford; Hannah Corbett; Alejandra; Cubillan Cueto; Ryder Defiel-Omar; Kendyl Dodson; Emma Finne; Nola Fischer; Sada Gustafson; Ginger Hanson; Elena Heroff; Catalina Martinez; Allie Ostrem; Lila Rodriguez; Marissa Smookler; KyriaKi Tirokomos-Kontinakis; Lexi Tores; Kate Wedewer; and Savannah Wright. Coach Ben Geiger introduced Speech students who qualified for the Minnesota State High School League State Speech Tournament – Allie Karon took 3rd Place in Extemporaneous Reading; Andre Carreras Champion of Great Speeches; Aubrey McMahan 2nd Place Informative Speaking; Joshua Langemo 3rd Place Informative Speaking; and McKinley Cherrier qualified for nationals. Nick Smock participated on the Dakota Hawks United floor hockey team that competed in the state tournament.

## **Student Representative's Report**

Student Representative Nawal Hassan presented the student report. At Mendota, families participated in a basketball game, a reading event and a PTA craft and bake sale. Students prepared for their 4th grade musical, *Finding Nemo Kids*. Music concerts were held. Talent show tryouts were held. At Somerset, parents came together to talk about how to help students learn and grow. A Book Character Parade was held where students dressed up as their favorite book characters and walked through the gym. At Pilot Knob, a book fair was held and conferences took place. The STEM Fair was held where students showed off their science and engineering projects. At Garlough, the school hosted a special event called “Dance Around the World” where students and families could enjoy music and dances from many cultures. Students in grades 5 and 8 participated in tests for reading, math, and science. At Friendly Hills Middle School, a Student Council meeting was held and invited 4th graders and their families to a Preview Night to get ready for middle school. At the high school, applications for ISD 197's School Board Student Representatives for the 2025 26 school year are being accepted through April 18. Prom will be hosted at Target field on April 19th and the theme is Golden Gala. Theater students are preparing for their spring musical, Mean Girls. Speech had a successful season with 4 students qualifying for the state tournament and 4 students qualifying for the national tournament in debate categories. The Digital Well-Being Club hosted a log-off lunch event. Pre ACT and MCA tests will be conducted tomorrow. Two Rivers is hosting the annual Teen Lit Con on April 26.

## **Superintendent's Report**

Superintendent Olson-Skog presented his report. The district is celebrating the 10-year anniversary of the Early Learning Center and Family Resource Center (ELC). For the past decade, the ELC has provided a strong foundation for the area's youngest learners. Nearly 20 Two Rivers High School students in grades 11 and 12 earned college credit by passing the state-recognized Bilingual and Multilingual Seals Test in German and Spanish. This year, more students than ever achieved the prestigious Platinum Bilingual Seal, each earning four college credits. Garlough hosted their annual Dance Around the World event, a celebration of the school

community's cultural diversity through music and dance. Pilot Knob STEM Magnet School hosted their annual STEM Fair that showcases the creativity and ingenuity of students through their impressive projects. Moreland's annual musical, *Finding Nemo Kids*, gave 4<sup>th</sup> graders the opportunity to explore theater arts through acting, singing in the choir, and helping create the set. The last *Coffee with the Superintendent* of the school year will be on April 28 at Ze's Diner from 8am-9:30am. These informal gatherings are a great opportunity to connect, ask questions, and share feedback. Last week, every parent and guardian should have received an email with a link to the family survey. This is a chance to share valuable feedback about the schools and district.

### **Strategic Framework Social Emotional Learning Implementation Target Update**

Sara Lein, Director of Special Services, and Sarah Orman, Garlough Elementary School Counselor, presented an update on the Social Emotional Learning (SEL) Implementation Target of the district's Strategic Framework. An initial update of this topic for this school year was provided at the December 9, 2024, board meeting. A district-wide system of SEL integrates academic, social, and emotional learning across all school contexts. This approach provides a learning environment that infuses SEL into all aspects of instruction and promotes equitable outcomes for all students. The 2024-2025 learning actions in this area include:

- SEL instruction – provides students with consistent opportunities to practice competencies that are developmentally appropriate and culturally responsive.
- Integrated SEL with academic instruction – integrates into instructional content and teaching strategies
- Youth voice and engagement – elevates student perspectives and experiences
- Supportive school and classroom climate – creates learning environments that are supportive, culturally responsive and focused on building relationships and community
- Focus on adult SEL – provides staff with consistent opportunities to collaborate and build relationships
- Supportive discipline – creates practices that are appropriate and equitably applied
- A continuum of integrated supports – ensures that SEL is integrated into the continuum of supports to ensure that all student needs are met
- Authentic family partnerships – provides families and staff with regular opportunities to build relationships and collaborate
- Aligned community partnerships – ensures that staff and community partners are aligned on common language
- Systems for continuous improvement – ensures outcome data are used to continuously improve all SEL related systems

### **Curriculum Advisory Committee Update**

Cari Jo Drewitz, Director of Curriculum, Instruction, and Assessment, and Miles Lawson, Secondary Curriculum and Gifted and Talented Coordinator presented an update on the Curriculum Advisory Committee (CAC). According to Minnesota statute, school districts must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards. The committee includes teachers, parents, support staff, students and other community residents who make decisions regarding implementation of the Minnesota Academic Standards and high academic achievement for all standards. Additionally, there is a high school student advisory CAC subcommittee who provide student voice and perspective on various topics.

There was a new legislative requirement enacted in the spring of 2023 that states the CAC must also recommend strategies to ensure the curriculum is rigorous, accurate, anti-racist, culturally sustaining, and reflects the diversity of the student population; and strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups. So far this year, the committee has reviewed and advised on the district's annual report; legislative requirement changes; new course proposals at Two Rivers; middle school schedule implementation; district-wide grant installations; Read Act implementation; the district's Strategic Framework; and the local literacy plan. They also conducted curriculum reviews for K-12 Math Resource; Secondary World Language;

Personal Learning Plan; and the Foundational Literacy Plan. Next year, the committee will review and advise on the Annual Report; legislative changes; new course proposals at Two Rivers High School; Middle School Schedule implementation; Read Act implementation; district's Strategic Framework; local literacy plan; and implementation of district-wide grants. They will also conduct a curriculum review for Secondary World Language, K-12 Mathematics and the Foundational Literacy Review.

### **Gifted Talented Advisory Committee Update**

Cari Jo Drewitz, Director of Curriculum, Instruction, and Assessment, and Miles Lawson, Secondary Curriculum and Gifted and Talented Coordinator presented an update on the Gifted Talented Advisory Committee (GTAC). The mission of this committee is to promote and enhance the goals and objectives of gifted education programming, and to build positive partnerships among schools, teachers, gifted education staff, administration, parents, and the community to support gifted education services and to advocate for future programming needs.

This year, the committee has reviewed and advised on GT specific areas including subject/grade acceleration process; enrichment opportunities and resources; identification process; and improvements towards the self-identified GT program goal areas. They also reviewed and advised on curriculum related topics: district-wide grant installations; legislative updates; Strategic Framework; and new courses at Two Rivers for 25-26. They also reviewed and advised on topics within the curriculum review process: personal learning plan review; K-12 Math Resource review; and Secondary World Language. Next year, the committee will continue to review and advise on GT specific areas including improvements towards the self-identified GT program goal areas; grade-wide enrichment; GT identification process and approach; and middle and high school GT programming. They will review and advise on curriculum related topics including the annual report; legislative requirement changes; new course proposals at Two Rivers; middle school schedule implementation; Read Act implementation; Strategic Framework; local literacy plan; and implementation of district-wide grants. They will also advise within the curriculum review process for Secondary World Language; K-12 Mathematics and the foundational literacy review.

### **Adjournment**

*It was moved by Mr. Schwab and seconded by Mr. Hill to adjourn the meeting at 7:28 p.m.*

*Aye: Tim Aune, Marcus Hill, Sarah Larsen, Byron Schwab, Morgan Steele, Jon Vaupel, Randi Walz. Nay: none.*

*The motion carried (7-0).*

The next regularly scheduled School Board meeting of Independent School District 197 will be Monday, April 21, 2025 at 5:00 p.m. It will be held in the School District 197 District Office Training Room, 1897 Delaware Avenue, Mendota Heights. *Please refer to the district website for possible changes to any meeting times/locations.*

Upon approval by the School Board, official minutes will be available at the District Office, 1897 Delaware Avenue, Mendota Heights, and on the district website. The full meeting materials are available for public inspection at the administrative offices of the school district and on the district website.

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Sarah Larsen  
School Board Chair

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Jon Vaupel  
School Board Clerk



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[www.isd197.org](http://www.isd197.org)

TO: School District 197 School Board Members

FROM: Tye Michaels, Director of Human Resources

DATE: April 21, 2025

SUBJECT: PERSONNEL RECOMMENDATIONS

The following personnel items are recommended for approval on April 21, 2025, at the School Board Meeting.

#### **Non-Licensed Employment**

- Beverly, Lachela - 5 hours per day District Wide Type III Driver, at an hourly rate of \$21.81, effective April 14, 2025.
- Dupree, Zavier - 3 hours per day SAC Support Paraprofessional at Garlough Elementary School, at an hourly rate of \$16.89, effective April 14, 2025.
- Gezehei, Sara - 5 hours a day District Wide Type III Driver, at an hourly rate of \$21.81, effective April 14, 2025.
- Gingold, David - 5 hours a day District Wide Bus Driver, at an hourly rate of \$25.18, effective April 7, 2025.
- Martinez-Zeledon, Rafael - 8 hours a day Mechanic District Wide at an hourly rate of \$31.50, effective April 7, 2025.
- Richardson, Raven - 3.5 hours a day SAC Support Paraprofessional, at an hourly rate of \$16.89, effective April 14, 2025.
- Rodriguez, April - 6.25 hours a day Special Education Paraprofessional at Somerset Elementary School, at an hourly rate of \$23.21, effective April 7, 2025.
- Wilson, Gregory - 8 hours a day Mechanic District Wide at an hourly rate of \$31.50, effective April 7, 2025.

#### **Licensed Employment**

- Fuller, Deb - 7 hours a day School Health Professional at Two Rivers High School, at an annual salary of \$59,003, effective April 7, 2025.

#### **Licensed Leaves of Absence**

- Carter, Katie - 0.6 FTE FACS Teacher 0.2 FTE AVID 0.2 FTE Warrior Seminar Teacher at Two Rivers High School, career leave of absence requested August 25, 2025 through June 09, 2026.
- CORRECTION: Scott, Michael - 1.0 FTE Teacher at Two Rivers High School, leave of absence request for 0.10 FTE August 25, 2025 through June 9, 2025.

### **Licensed Resignation, Retirement, Termination**

- Kroth, Emily Mara - 1.0 FTE Occupational Therapist at Somerset Elementary School, resignation effective June 6, 2025.
- Leif, Karen - 1.0 FTE School Nurse at Two Rivers High School, resignation effective June 6, 2025.
- Schwartz, Cole - 1.0 FTE Physical Education Teacher at Heritage Middle School, resignation effective June 6, 2025.
- Steichen, Brenna - 1.0 FTE Physical Science Teacher at Heritage Middle School, resignation effective June 6, 2025.

### **Non-Licensed Resignation, Retirement, Termination**

- Balzart, Katherine - 6.25 hours per day Special Education Paraprofessional at Two River High School, retirement effective April 25, 2025.
- Cervantez, Jessica - 8.00 Hours per day Human Resources Specialist at the District Office, resignation effective April 24, 2025

1897 Delaware  
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TO: School Board Members

FROM: Peter Mau, Assistant Superintendent

DATE: April 21, 2025

SUBJECT: Final reading of Policy 506, Student Discipline

**BACKGROUND:**

This policy was presented for a first reading at the meeting on March 17, 2025 and a second reading on April 7. To recap, the district's current policy was reviewed against MSBA's model policy and requires an annual review. After significant changes last year, there is only one for this year based on a legislative change. In item V. E., language was added that makes it clear that School Resource Officers are not employees or agents of the school district in response to Minnesota Statute, section 121A.582.

This policy was reviewed using the district's Four-Way Equity Test. The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct, which will help ensure that there is no interference with the educational process.

This policy provides for equitable access for all by helping to create an environment conducive to learning. In addition, clearly enumerating the expectations for conduct, the consequences of violating the code of conduct, and the procedures required for certain types of consequences (e.g., suspension) helps ensure fairness and due process for all students. Specific due process procedures are outlined for students receiving special education services.

District 197 administrators are working toward eliminating racial disproportionality in suspensions. Regular review of suspension data, implementation of restorative practices, and culturally responsive professional development are all aimed at creating more equitable practices.

**RESOLUTION:**

***BE IT RESOLVED*** by the School Board of School District 197 to approve Policy 506, Student Discipline, as presented.



## **OPERATIONAL EXPECTATIONS**

**ISD 197 School Board**

Students

Contact: Assistant Superintendent

### **506 STUDENT DISCIPLINE**

#### **I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district 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 school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school 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 of 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. Schools 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 the school district is that a fair and equitable district-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 school board, with the participation of school district administrators, teachers, employees, students,

Parents/guardians, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

### **III. DEFINITIONS**

- A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).
- B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent/guardian to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

### **IV. POLICY**

- A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - 1. for a pupil who remains enrolled in the school district or is awaiting enrollment in a new district, the school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis

to ensure the pupil is on track for readmission with the pupil's peers. The school district must communicate on a regular basis with the pupil's parent/guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;

2. a pupil receiving school-based or school-linked mental health services in the school district under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
3. the school district must provide to the pupil's parent/guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school district website.

## V. **AREAS OF RESPONSIBILITY**

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district 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 school personnel, students and parents/guardians responsible for conforming to this policy, and support all school personnel 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/guardians. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents/guardians of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents/guardians. A principal, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.
- D. Teachers. All teachers shall be 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. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.

- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.

**For the purpose of Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force), a school resource officer, as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c) is not a school employee or agent of the district.**

- F. Parents or Legal Guardians. Parents/guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

- G. Students. All students shall be held individually responsible for their behavior and for knowing and adhering to 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.

- I. Reasonable Force Reports

1. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
2. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).

3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

## **VI. STUDENT RIGHTS**

All students have the right to an education and the right to learn.

## **VII. STUDENT RESPONSIBILITIES**

All students have the responsibility:

- a. For their behavior and for knowing and adhering to all school rules, regulations, policies and procedures;
- b. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- c. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- d. To make necessary arrangements for making up work when absent from school;
- e. To assist the school staff in maintaining a safe school for all students;
- f. To be aware of all school rules, regulations, policies and procedures, including those in this policy, and to conduct themselves in accord with them;
- g. To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;
- h. To be aware of and comply with federal, state and local laws;
- i. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- j. To respect and maintain the school's property and the property of others;
- k. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- l. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;

- m. To conduct themselves in an appropriate physical or verbal manner; and
- n. To recognize and respect the rights of others.

## **VIII. CODE OF STUDENT CONDUCT**

- a. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. This policy also applies to a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.
  - 1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
  - 2. The use of profanity or obscene language, or the possession of obscene materials;
  - 3. Gambling, including, but not limited to, playing a game of chance for stakes;
  - 4. Violation of the school district's Hazing Prohibition Policy;
  - 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
  - 6. Violation of the school district's Student Attendance Policy;
  - 7. Opposition to authority using physical force or violence;
  - 8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment; Possession and Use of Tobacco,

Tobacco-Related Devices, and Electronic Delivery Devices Policy;

9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;

21. Violation of the school district's Internet Acceptable Use and Safety Policy;
22. Use of a cell phone in violation of the school district's Internet Acceptable Use and Safety Policy;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the school district's Bullying Prohibition Policy;
30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;

35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
44. Violation of the school district's one-to-one device rules and regulations;
45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
46. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

## **IX. RECESS AND OTHER BREAKS**

- A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The school district is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
- C. The school district must not use recess detention unless:
  - 1. a student causes or is likely to cause serious physical harm to other students or staff;
  - 2. the student's parent/guardian specifically consents to the use of recess detention; or
  - 3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The school district must not withhold recess from a student based on incomplete schoolwork.
- E. The school district must require school staff to make a reasonable attempt to notify a parent/guardian within 24 hours of using recess detention.
- F. The school district must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The school district is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The school district must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

## **X. DISCIPLINARY ACTION OPTIONS**

The general policy of the school district 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 the school district. At a minimum, violation of school district code of

conduct, rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The school district 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 school district. Disciplinary action may include, but is not limited to, one or more of the following:

- a. Student conference with teacher, principal, counselor or other school district personnel, and verbal warning;
- b. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing 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/guardian contact;
- d. Parent/guardian conference;
- e. Removal from class;
- f. In-school suspension;
- g. Suspension from extracurricular activities;
- h. Detention or restriction of privileges;
- i. Loss of school privileges;
- j. In-school monitoring or revised class schedule;
- k. Referral to in-school support services;
- l. Referral to community resources or outside agency services;
- m. Financial restitution;
- n. Referral to police, other law enforcement agencies, or other appropriate authorities;
- o. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- p. Out-of-school suspension under the Pupil Fair Dismissal Act;
- q. Preparation of an admission or readmission plan;

- r. Saturday school;
- s. Expulsion under the Pupil Fair Dismissal Act;
- t. Exclusion under the Pupil Fair Dismissal Act; and/or
- u. Other disciplinary action as deemed appropriate by the school district.

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

- a. The teacher of record shall have the general control and government of the classroom. 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/guardians. 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 for up to one class or activity period pursuant to the procedures established by this discipline policy. The principal or designee shall have authority to remove the student from class for a period of time not to exceed five (5) class or activity periods pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district 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 school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; 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.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause

fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

- b. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent/guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent/guardian to discuss the problem that is causing the student to be removed from class.
- c. Procedures for Removal of a Student From a Class.
  - 1. If a student is causing a disruption to the educational process, a teacher, principal, or designee may remove a student from class;
  - 2. Documentation will vary with the severity of the incident. It may include an oral, written, or electronic report;
  - 3. Teacher removing the student will determine where the student will go. The removal location may include another classroom, the school office, or another designated room in the school;
  - 4. Teacher removing the student will inform school district staff in the room the students is being removed to.
- d. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)
  - 1. The removal from class shall be for a period of time deemed appropriate by the principal or designee, in consultation with the teacher.
- e. Responsibility for and Custody of a Student Removed from Class.
  - 1. Depending on the severity of the incident, the age and maturity of the student, and the student's ability to manage their emotions and behavior, the student may be directed by the teacher to the new location, or the student may be escorted to the new location by the teacher or other district employee;
  - 2. While removed from class, the student is expected to complete assigned work and meet other conditions for readmission to class.
  - 3. The teacher, principal, or other district employee in the room where the student was removed to has control over and responsibility for the student upon the student's arrival.

- f. Procedures for Return of a Student to a Specific Class from Which the Student was Removed.
  - 1. Student will be directed back to class by the staff member who has control and responsibility of the student, principal, or designee;
  - 2. Teacher, principal, or designee may hold a conference with the student or develop a readmission plan and review it with the student prior to returning to class.
  
- g. Procedures for Notifying a Student and the Student's Parents/Guardians of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;
  - 1. Student will be informed of the reason they are being removed from class at the time of removal or once they have been removed to a new location;
  - 2. Student's guardian will be notified of a removal from one or more class or activity periods no later than the following school day. Notification may be via a phone call or voice message, written note, or electronic communication.
  
- h. Students with a Disability; Special Provisions.
  - 1. Staff members who remove a student from class may coordinate with the student's case manager if the student has an Individualized Education Plan (IEP);
  - 2. If a student who has an IEP is removed from a class or activity period more than five (5) times, the IEP team should consider whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP);
  - 3. If a student who does not have an IEP is removed from a class or activity period more than ten (10) times, the student should be referred to the school student assistance team.
  
- i. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.
  - 1. Establishment of a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26;
  - 2. Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minnesota Statutes section 121A.29.

## **XII. DISMISSAL**

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

The school district 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.

The school district shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and procedures before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- b. 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 school 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 school personnel to perform their duties, or school sponsored extracurricular activities; or
- 3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

- c. Disciplinary Dismissals Prohibited

- 1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
  - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, ~~school readiness plus~~, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
  - b. kindergarten through Grade 3.
- 2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
- 3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under nonexclusionary discipline have been

exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

d. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, 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) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. School administration must allow a suspended pupil the opportunity to complete all schoolwork assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent/guardian before subsequently removing the student from school and, with the permission of the parent/guardian, arrange for a mental health screening for the student at the parent/guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent/guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where 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/guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent/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 a school-related activity, or as a

basis of a charge of child abuse, child neglect, or medical or educational neglect. The school 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 where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, 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 general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school 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 Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
7. The school administration shall not suspend a student from school 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, a school 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.
8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:

- a. strongly encourage a parent/guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student is in need of services under Minnesota Statutes chapter 260C.
9. 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, Minnesota Statutes, sections 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/guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
  10. The school administration shall make reasonable efforts to notify the student's parent/guardian of the suspension by telephone as soon as possible following suspension.
  11. 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/guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
  12. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school 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 school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school 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, Minnesota Statutes, sections 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/guardian shall be provided written notice of the school district'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, Minnesota Statutes, sections 121A.40-121A.56; describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent/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. The school district must 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) and is posted on its website.
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 the school district, student, or parent/guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent/guardian and shall be closed, unless the student, parent/guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district 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. The school district 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 MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent/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 the school district. 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/guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent/guardian, or authorized representative, shall have the right to compel the presence of any school district 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 the school district.
14. The student, parent/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 school board and served upon the parties within two (2) days after the close of the hearing.
17. The school 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 school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school 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 the Minnesota Department of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minnesota Statutes section 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district 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. The school district 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 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 school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and their parent/guardian by mail of the student's right to attend and to be reinstated in the school district.

### **XIII. ADMISSION OR READMISSION PLAN**

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parent/guardian 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/guardians to provide a sympathomimetic medication for their child as a condition of readmission.

### **XIV. 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, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a school district employee by a pupil, and each pupil withdrawal agreement, within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault to the MDE Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

## **XV. STUDENT DISCIPLINE RECORDS**

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

## **XVI. STUDENTS WITH DISABILITIES**

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/guardian shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) 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, the school district 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 the school district 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, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

## **XVII. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

## **XVIII. DISCIPLINE COMPLAINT PROCEDURE**

Students, parents/guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

It is encouraged but not required to bring a concern to the school principal prior to filing a complaint.

1. Any person who believes they have received a discipline consequence that violates the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, may file a complaint and seek corrective action when it has not been implemented appropriately or has been discriminately applied.
2. The complaint must be filed in writing to the school principal (report taker). If the complaint involves a report taker, the complaint shall be filed directly with the assistant superintendent.
3. The report must include:
  - a detailed account as to how the discipline violated the requirements of:
    - i. the Minnesota Pupil Fair Dismissal Act,
    - ii. student handbook and annual notifications, and/or
    - iii. district policy.
4. The report taker shall begin to investigate complaints within three (3) school days of receipt.
5. The final report of findings, shall include a determination of whether the allegations have been substantiated as factual using a preponderance of the evidence standard and whether there appear to be violations of PFDA and/or local behavior and discipline policies. The breadth and detail of the investigation report will depend on the circumstances of each complaint.
6. Upon completion of an investigation that determines the requirements of the PFDA and/or local behavior and discipline policies were not implemented appropriately, the final report of findings shall include a corrective action plan, that includes but is not limited to: (a) correction of the student's record; (b) training, coaching, or other accountability practices for relevant staff to ensure appropriate compliance with policies in the future.
7. All records resulting from a formal discipline complaint shall be sent to the assistant superintendent.
8. Discipline complaints are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

9. Submission of a discipline complaint will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
10. The school district 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 the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations. However, the school district is unable to guarantee confidentiality to any individual.

The school district prohibits reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and will impose appropriate consequences for any person who engages in reprisal or retaliation.

## **XIX. DISTRIBUTION OF POLICY**

The school district will notify students and parents/guardians of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents/guardians at the commencement of each school year and to all new students and parents/guardians upon enrollment. This policy shall also be available upon request in each principal's office.

## **XX. REVIEW OF POLICY**

The principal and representatives of parents/guardians, students and staff in each school building 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 school 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 and Graduation Requirements for Minnesota Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Preassessment Teams)  
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 (Student Discipline; Reasonable Force)  
Minn. Stat. § 121A.60 (Definitions)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students From Class)  
Minn. Stat. § 122A.42 (General Control of Schools)  
Minn. Stat. § 123A.05 (State Approved Alternative Program Organization)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. Ch.125A (Special Education and Special Programs)  
Minn. Stat. § 152.22, Subd. 6 (Definitions)

Minn. Stat. § 152.23 (Limitations)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504) 34 C.F.R. §  
300.530(e)(1) (Manifestation Determination)

**Cross References:** School District Policy 413 (Harassment and Violence)  
School District Policy 501 (School Weapons)  
School District Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
School District Policy 503 (Student Attendance)  
School District Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees) School District Policy 514 (Bullying Prohibition Policy)  
School District Policy 524 (Internet Acceptable Use and Safety Policy)  
School District Policy 526 (Hazing Prohibition)  
School District Policy 709 (Student Transportation Safety Policy)  
School District Policy 711 (Video Recording on School Buses) School District Policy 712 (Video Surveillance Other Than on Buses)

**POLICY ADOPTED:** October 16, 2006  
**POLICY REVIEWED/REVISED:** December 14, 2009; December 21, 2015; April 17, 2017; March 19, 2018; September 17, 2018; August 19, 2019; August 17, 2020; August 16, 2021; November 28, 2022; March 18, 2024  
**Monitoring Method:** Administrative Review  
**Monitoring Frequency:** Annually

**NOTICE OF SUSPENSION**

(Date)

(Name of Parent/Guardian) (Address)  
(City, State, Zip)

Dear (Parent/Guardian)

(Name of Student) has been suspended from (name of school) for (number of days) commencing on (date).

The grounds for suspension are: \_\_\_\_\_

Briefly, the facts that have been determined are:

The testimony received was:

An administrative conference to determine the above was conducted before

\_\_\_\_\_, at \_\_\_\_\_ on \_\_\_\_\_  
(Name of Administrator) (Time) (Date)

pursuant to Minn. Stat. §§ 121A.40-121A.56, a copy of which is enclosed.

The plan of readmission is:

Alternative educational services in the form of homework will be available to be picked up at the school after \_\_\_\_\_ [date] \_\_\_\_\_.

While suspended, the student may not come on any school campus except with you for the purpose of discussing conduct.

If you have any questions, please call.

Sincerely,

\_\_\_\_\_  
Administrator

Enc: Minn. Stat. §§ 121A.40-121A.56

TO: School Board Members

FROM: Sara Lein, Director of Special Services  
Tye Michaels, Director of Human Resources

DATE: April 21, 2025

SUBJECT: Recommendation to Remove Policy 430, Vaccination, Testing and Face Covering

**BACKGROUND:**

In November 2021, the federal Occupational Safety and Health Administration (“OSHA”) announced an Emergency Temporary Standard (“ETS”) mandating that employers with 100 or more employees required employees to be vaccinated against COVID-19 or undergo weekly testing and wear face coverings. Since Minnesota had an OSHA-approved occupational safety and health program (“MNOSHA”), the adopted standard covered state and local government employers with 100 or more employees, including school districts. Minn. Stat. § 182.651, subd. 7.

The school district adopted the policy in January of 2022. The policy was meant to be temporary in nature and is no longer needed.

**RESOLUTION:**

***BE IT RESOLVED*** by the School Board of School District 197 to rescind Policy 430, Vaccination, Testing and Face Covering.



**OPERATIONAL EXPECTATIONS**

**ISD 197 School Board**

Employment & Personnel

Contact: Director of Human Resources

**430 VACCINATION, TESTING, AND FACE COVERING POLICY**

**I. PURPOSE**

The school district has adopted this policy on mandatory vaccination to safeguard the health of its employees from the hazard of COVID-19. This policy complies with the Occupational Safety and Health Administration’s (“OSHA”) Emergency Temporary Standard on Vaccination and Testing (29 CFR Part 1910, Subpart U) (“ETS”).

**II. DEFINITIONS**

For purposes of this policy, the following definition applies:

**A. “Fully vaccinated” means:**

- i. A person’s status 2 weeks after completing primary vaccination with a COVID–19 vaccine with, if applicable, at least the minimum recommended interval between doses in accordance with the approval, authorization, or listing that is:
  - a. Approved or authorized for emergency use by the U.S. Food and Drug Administration (“FDA”);
  - b. Listed for emergency use by the World Health Organization (“WHO”); or
  - c. Administered as part of a clinical trial at a U.S. site, if the recipient is documented to have primary vaccination with the active (not placebo) COVID–19 vaccine candidate, for which vaccine efficacy has been independently confirmed (e.g., by a data and safety monitoring board) or if the clinical trial participant at U.S. sites had received a COVID–19 vaccine that is neither approved nor authorized for use by FDA but is listed for emergency use by WHO; or
- ii. A person’s status 2 weeks after receiving the second dose of any combination of two doses of a COVID– 19 vaccine that is approved or authorized by the FDA, or listed as a two-dose series by the WHO (i.e., a heterologous primary series of such vaccines, receiving doses of different COVID–19 vaccines as part of one primary series). The second dose of the series must not be received earlier than 17 days (21 days with a 4-day grace period) after the first dose

- B. **“COVID-19 test”** means a test for SARS-CoV-2 that is:
- i. Cleared, approved, or authorized, including in an Emergency Use Authorization (“EUA”), by the FDA to detect current infection with the SARSCoV-2 virus (e.g., a viral test);
  - ii. Administered in accordance with the authorized instructions; and
  - iii. Not both self-administered and self-read unless observed by the school district or an authorized telehealth proctor. Examples of tests that satisfy this requirement include tests with specimens that are processed by a laboratory (including home or on-site collected specimens which are processed either individually or as pooled specimens), proctored over-the-counter tests, point of care tests, and tests where specimen collection and processing is either done or observed by the school district.
- C. **“Face covering”** means a covering that:
- i. Completely covers the nose and mouth;
  - ii. Is made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source);
  - iii. Is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers;
  - iv. Fits snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and
  - v. is a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.

This definition includes clear face coverings or cloth face coverings with a clear plastic panel that, despite the noncloth material allowing light to pass through, otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker’s mouth or facial expressions to understand speech or sign language respectively.

### III. SCOPE

- A. **Only in Effect if Legally Required.** This policy will only be in effect if OSHA or Minnesota OSHA are enforcing the ETS and the District or its employees could be subject to sanctions for noncompliance with the ETS. This school district will not enforce the provisions of this policy if the ETS is expired, subject to a court order staying its implementation, or otherwise not legally binding on the school district.
- B. **Application to All Employees.** This policy applies to all employees of the school district, except for employees who do not report to a workplace where other individuals

(such as students, coworkers, or visitors) are present; employees while working from home; and employees who work exclusively outdoors. The following job categories fall within an exception to this policy:

- C. **Application to Independent Contractors and Volunteers.** Independent contractors and volunteers are not considered school district employees for purposes of this policy. Independent contractors and volunteers will be required to comply with COVID-19 mitigation protocols established for building visitors.
- D. **Intersection with Other Policies and Procedures.** If this policy or any subsection of this policy conflicts with any other school district policy or procedure, this policy will be followed.

#### IV. VACCINATION

- A. **Employee Choice.** The school district is not imposing a vaccine mandate for its employees in order to comply with the requirements of the ETS. Employees may choose to be vaccinated against COVID-19. Any employee not fully vaccinated by January 4, 2022 will be subject to the weekly testing and face covering requirements of this policy until they become fully vaccinated. The face covering requirements set forth in this policy will begin on December 6, 2021 or when the face covering requirement in the ETS is legally enforceable against the school district, whichever occurs later. Weekly testing requirements set forth in this policy will begin on January 4, 2022 or when the testing requirements set forth in the ETS become legally enforceable against the school district, whichever occurs later.
- B. **Deadlines.** To be considered fully vaccinated by January 4, 2022, an employee must receive the final dose of a primary COVID-19 vaccination by no later than December 21, 2021.
- C. **Vaccine Availability.** Employees are responsible for scheduling their own vaccination appointments. Employees may schedule a vaccination appointment through their own medical provider, local pharmacies, mass-vaccination clinics, community vaccination sites, or any other place where COVID-19 vaccines are offered. Information about vaccination locations is available through Minnesota's COVID-19 Response webpage at: <https://mn.gov/covid19/vaccine/find-vaccine/locations/index.jsp>.
- D. **Time to Receive Vaccination.** The school district will provide a reasonable amount of time to each employee to receive their primary vaccination dose or doses. An employee may take up to four hours of paid duty time, at the employee's regular rate of pay, per primary vaccination dose to travel to a vaccination site, receive a vaccination, and return to work. This means a maximum of eight hours of paid duty time for employees receiving two primary vaccine doses.
  - i. If an employee spends less time getting the vaccine, only the amount of paid duty time needed for a primary vaccination appointment will be granted. Given the widespread availability of the COVID-19 vaccine in Minnesota, the school district expects that employees will schedule vaccination appointments in a way that minimizes the need to be absent from work.

- ii. Employees who take longer than four hours to get the vaccine must contact their supervisor immediately and must explain the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid. In that situation, the employee can elect to use accrued paid leave to cover the additional time needed to obtain a primary vaccination dose.
- iii. If an employee is vaccinated outside of their approved duty time, the employee will not be compensated.
- iv. The school district will not reimburse employees for transportation costs (e.g., gas money, train/bus fare, etc.) incurred to receive the vaccination.

E. **Time for Recovery.** The school district will provide reasonable time and paid sick leave to employees who are unable to work due to side effects experienced following any primary vaccination doses.

- i. The school district will provide no more than two days of paid leave per primary vaccination dose for employees who are unable to work due to vaccination side effects. Any request for additional leave will be governed by the school district's established procedures for requesting a medical leave.
- ii. Employees who have available accrued sick leave or paid time off ("PTO") will be required to use their available accrued leave for recovery time. Employees who have no sick leave will be granted up to two days of paid sick leave immediately following each dose, if necessary for the employee to recover from side effects.
- iii. The following procedures apply for requesting and granting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects:
  - a. If an employee has available accrued leave, the employee must report the use of leave for vaccine side effects in the same manner as the employee would ordinarily report leave due to personal illness.
  - b. If an employee does not have sufficient accrued sick leave to cover the time period needed to recover from side effects of the vaccination, the employee must notify their supervisor upon learning of the need for leave.

## V. REPORTING VACCINATION STATUS

A. **Obligation to Report.** All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination as set forth in this section. Employees must provide truthful and accurate information about their COVID-19 vaccination status. Employees who do not comply with this policy may be subject to discipline. Vaccination status information must be reported to the school district by the deadline set forth by school district administration. This deadline will be based on the date the ETS will be legally enforceable against the school district. In order to comply with this reporting requirement, employees must provide proof of their vaccination status, including whether

they are fully or partially vaccinated. Acceptable forms of proof are outlined below. Employees who are not vaccinated must also report their vaccination status.

- B. **Reporting.** The superintendent will be responsible for developing a system through which employees will report their vaccination status.
- C. **Proof of Vaccination.** All vaccinated employees are required to provide proof of vaccination status, regardless of where they received their vaccination.
  - i. Acceptable “proof of vaccination status” includes:
    - a. The record of immunization from a health care provider or pharmacy;
    - b. A copy of a COVID-19 Vaccination Record Card;
    - c. A copy of medical records documenting the vaccination;
    - d. A copy of immunization records from a public health, state, or tribal immunization information system; or
    - e. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s).
  - ii. Proof of vaccination generally should include the employee’s name, the type of vaccine administered, the date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site. In those circumstances, the school district will still accept the state immunization record as acceptable proof of vaccination
  - iii. Employees may submit a physical copy of a vaccination record or employees may provide a digital copy, including, for example, a digital photograph, scanned image, or PDF of such a record that clearly and legibly displays the necessary vaccination information.
  - iv. An employee who does not possess their COVID-19 vaccination record card (e.g. because it was lost or stolen) should contact their vaccination provider to obtain a new copy or other acceptable documentation of their vaccination status. If the employee is unable to produce acceptable proof of vaccination after contacting the vaccine provider, then they may attest to their vaccination as described below.
  - v. In instances where an employee is unable to produce acceptable proof of vaccination status, the employee may submit a signed and dated statement by the employee:
    - a. Attesting to the employee’s vaccination status (fully vaccinated or partially vaccinated);

- b. Attesting that the employee has lost or are otherwise unable to produce proof of vaccination; and
- c. Including the following language in the attestation: “I declare that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.”

An employee who attests to their vaccination status should, to the best of their recollection, include the following information in their attestation: the type of vaccine administered; date(s) of administration; and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

- D. **Treated as Unvaccinated if No Proof or Attestation.** An employee who does not provide acceptable proof of vaccination status, or an attestation, is treated as not fully vaccinated for purposes of this policy.
- E. **Penalty for Providing False Information.** Employees are prohibited from knowingly supplying false statements or documentation regarding their vaccination status under 18 U.S.C. § 1001 and section 17(g) of the Occupational Safety and Health Act (“OSH Act”). Employees who violate those laws may be subject to criminal penalties.
- F. **Recordkeeping.** The school district will maintain a roster of each employee’s vaccination status and maintain records of acceptable proof of vaccination for each employee who is fully vaccinated or partially vaccinated. These records are considered to be employee medical records, and will be maintained in a confidential manner as required by law.

## VI. FACE COVERINGS

- A. **Mandatory if Not Fully Vaccinated.** Beginning Monday, December 6, 2021 or when the ETS is legally enforceable against the school district, whichever occurs later, any employee who is not fully vaccinated must wear a face covering over their nose and mouth while indoors at school or while in a school vehicle while occupied by any other passengers. Employees must replace their face covering if it becomes wet, soiled, or damaged (e.g., ripped, has holes, or has broken ear loops).
- B. **Exceptions to Face Covering Requirement.** Any employee who is not fully vaccinated does not have to wear a face covering:
  - i. When the employee is alone in a room with floor to ceiling walls and a closed door;
  - ii. For a limited time while the employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements;
  - iii. When the employee is wearing a “respirator” or “facemask”, as defined by the ETS;

- iv. Where the school district has advised the employee a face covering is not required because it has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee.)

## VII. COVID-19 TESTING

A. **Test Requirement.** Beginning Tuesday, January 4, 2022 or the date on which the mandatory testing requirement in the ETS becomes legally enforceable against the school district, whichever occurs later, any employee who is not fully vaccinated must participate in weekly COVID-19 testing. Any employee who is not fully vaccinated and who reports to the workplace at least once every seven days:

- i. Must be tested for COVID-19 at least once every seven days; and
- ii. Must provide documentation of the most recent COVID-19 test result to the school district no later than the seventh day following the date on which the employee last provided a test result.

The superintendent is responsible for developing a protocol for employees to report COVID-19 test results and will communicate the protocol to all employees.

B. **Testing Following Longer Absences.** Any employee who is not fully vaccinated and who does not report to the workplace during a period of seven or more days:

- i. Must be tested for COVID-19 within seven days prior to returning to the workplace; and
- ii. Must provide documentation of that COVID-19 test result to the school district in the manner to be determined by the superintendent upon return to the workplace.

C. **Failure to Provide Test Result.** If an employee who is not fully vaccinated does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.

D. **Exemption for Recent Infection.** Employees who are not fully vaccinated and who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

E. **Record of Testing.** The District will maintain a record of each test result provided by each employee under this policy. These records are considered to be employee medical records and will be maintained in a confidential manner as required by law.

F. **Cost of Testing.** The school district will not pay or reimburse employees for any costs associated with COVID-19 testing.

- G. **Availability of Testing.** Employees may schedule their own testing appointments. Information about testing locations is available online at: <https://mn.gov/covid19/get-tested/testing-locations/index.jsp>.

## VIII. MANDATORY REPORTING OF COVID-19 DIAGNOSIS OR POSITIVE TEST

- A. **Reporting and Removal from Workplace Following Positive Test.** Regardless of an employee's vaccination status:

- i. The school district requires all employees to promptly notify the employee's supervisor when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider; and
- ii. The school district will immediately remove from the workplace any employee who receives a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider and keep the employee removed until the employee:
  - a. Receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to use a NAAT test for confirmatory testing;
  - b. Meets the return to work criteria in CDC's "Isolation Guidance" (available online at [https://www.osha.gov/sites/default/files/CDC's\\_Isolation\\_Guidance.pdf](https://www.osha.gov/sites/default/files/CDC's_Isolation_Guidance.pdf)); or
  - c. Receives a recommendation to return to work from a licensed healthcare provider.

- B. **Return to Work after Positive Test.** Under CDC's "Isolation Guidance," asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:

- i. At least 10 days have passed since symptoms first appeared, and
- ii. At least 24 hours have passed with no fever without fever-reducing medication, and
- iii. Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

If the CDC's Isolation Guidance changes following the adoption of this policy, the school district will follow the current version of the guidance for purposes of this policy.

- C. **Status of Leave After Positive Test.** The District will not provide any paid time off to any employee for removal from the workplace as a result of a positive COVID-19 test or diagnosis of COVID-19. Employees may use accrued paid leave to receive pay for their absences.

- D. **Exposure to COVID-19.** Employees who are exposed to an individual with a confirmed case of COVID-19 will be subject to the quarantine protocols set forth in the school district's overall COVID-19 mitigation strategy.

## **IX. NEW HIRES**

- A. All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as of the start date of their employment. Candidates for employment will be notified of the requirements of this policy following a job offer and prior to the start of employment.
- B. New employees must provide acceptable proof of vaccination prior to their first day of work. A new employee who cannot provide acceptable proof of vaccination must submit results from a COVID-19 test taken within the previous seven days prior to the employee's first day of work.

## **X. EXEMPTIONS**

- A. **Accommodations.** An Employee may be entitled to a reasonable accommodation from the District if the employee is unable to comply with the requirements of this policy because of a medical condition, disability, or a sincerely held religious belief, practice or observance.
- B. **Requests for Reasonable Accommodation.** Requests for reasonable accommodations must be initiated by the individual employee and submitted in writing to Director of Human Resources at [Brenda.Albrecht@isd197.org](mailto:Brenda.Albrecht@isd197.org).
- C. **Determination of Reasonable Accommodation.** Requests for reasonable accommodations will be addressed on a case-by-case basis by school administration.

## **XI. QUESTIONS**

Questions regarding this policy should be directed to:

Brenda Albrecht  
Director of Human Resources  
1897 Delaware Ave.  
Mendota Heights, MN 55118  
651-403-7006  
[Brenda.Albrecht@isd197.org](mailto:Brenda.Albrecht@isd197.org)

## **XII. DISSEMINATION OF THIS POLICY AND INFORMATION TO EMPLOYEES**

- A. **Dissemination of Policy.** The superintendent will distribute a copy of this policy to all employees via the school district's e-mail system following its adoption.
- B. **Other Required Disclosures to Employees.** The ETS requires the District to provide the following information to employees:

The full text of OSHA's ETS is available online at:  
<https://www.federalregister.gov/documents/2021/11/05/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard>.

The CDC has published information about COVID-19 vaccine efficacy, safety, and the benefits of being vaccinated. This information can be accessed by visiting:  
<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>.

Federal regulation, specifically 29 CFR § 1904.35(b)(1)(iv), prohibits the school district from discharging or in any manner discriminating against an employee for reporting a work-related injury or illness.

Section 11(c) of the OSH Act prohibits the District from discriminating against an employee for exercising rights under, or as a result of actions that are required by, the ETS. Section 11(c) also protects the employee from retaliation for filing an occupational safety or health complaint, reporting a work-related injury or illness, or otherwise exercising any rights afforded by the OSH Act.

Federal law, specifically 18 U.S.C. § 1001 and of section 17(g) of the OSH Act, prohibits employees from knowingly supplying false statements or documentation in accordance with this Policy. Anyone who violates those provisions may be subject to criminal penalties.

**Legal References:** Minn. Stat. § 182.651, Subd. 7.

**POLICY ADOPTED:** January 3, 2022  
**POLICY REVIEWED/REVISED:**  
**Monitoring Method:** Administrative Review  
**Monitoring Frequency:**

TO: School Board Members

FROM: Sara Blair, Communications and Marketing Manager

DATE: April 21, 2025

SUBJECT: Administrative Review of Policy 722, Public Data Requests

**BACKGROUND:**

An administrative review of Policy 722 has been performed and the current policy adheres to the district's processes and procedures currently in place. The district's current policy was reviewed against MSBA's model policy and continues to match that language. Based on this review, no changes are recommended at this time. This policy requires an annual review and was last updated in April of 2024.

School District 197 reviews its policies on a 3-year cycle unless otherwise required by law. Typically, recommended policy changes are brought to the school board for three readings, with approval at the third reading. However, when the administration is recommending minor or no changes to the policy, it is labeled as an "administrative review." Consistent changes the board has asked to be applied to policies are considered minor. One example is using more inclusive language such as using "parent/guardian" instead of just "parent."

When labeled an "administrative review" the policy is placed on the consent agenda for a single reading with a recommendation to approve the policy as presented. As a reminder, board members always have the opportunity to remove a policy from the consent agenda to discuss it as part of the main agenda.

This policy was also reviewed using the district's 4-Way Equity Test. This policy does not provide specific opportunities for underserved, underrepresented or disadvantaged students. It helps to protect the public's ability to review and access public information, in accordance with state law. It also protects an individual's ability to access certain information of which they are the subject.

**RESOLUTION:**

***BE IT RESOLVED*** by School Board of School District 197 to approve Policy 722, Public Data Requests, as presented.



## **OPERATIONAL EXPECTATIONS**

**ISD 197 School Board**

Non-Instructional Operations and Business Services

Contact: Director of Communications

### **722 PUBLIC DATA REQUESTS**

#### **I. PURPOSE**

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

#### **II. GENERAL STATEMENT OF POLICY**

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data.

#### **III. DEFINITIONS**

##### **A. Confidential Data on Individuals**

Data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.

##### **B. Data on Individuals**

All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

##### **C. Data Practices Compliance Officer**

The data practices compliance official is the designated employee of the school district to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The responsible authority may be the data practices compliance official.

##### **D. Government Data**

“Government data” means all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.

E. Individual

“Individual” means a natural person. In the case of a minor or an incapacitated person as defined in Minnesota Statutes section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

F. Inspection

“Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public’s own computer equipment.

G. Not Public Data

Any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

H. Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

I. Private Data on Individuals

Data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.

J. Protected Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

K. Public Data

“Public data” means all government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary

classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

L. Public Data Not on Individuals

Data accessible to the public pursuant to Minnesota Statutes section 13.03.

M. Public Data on Individuals

Data accessible to the public in accordance with the provisions of section 13.03.

N. Responsible Authority

“Responsible authority” means the individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.

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 an individual is ascertainable. Unless classified pursuant to Minnesota Statutes section 13.06, another statute, or federal law, summary data is public.

#### **IV. REQUESTS FOR PUBLIC DATA**

A. All requests for public data must be made in writing directed to the responsible authority.

1. A request for public data must include the following information:

- a. Date the request is made;
- b. A clear description of the data requested;
- c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
- d. Method to contact the requestor (such as phone number, address, or email address).

2. Unless specifically authorized by statute, the school district may not

require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.

3. The identity of the requestor is public, if provided, but cannot be required by the government entity.
4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.

B. The responsible authority will respond to a data request at reasonable times and places as follows:

1. The responsible authority will notify the requestor in writing as follows:
  - a. The requested data does not exist; or
  - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or
    - (1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
    - (2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
  - c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.
2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the

data, and also by the number of requests made within a particular period of time.

3. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

## **V. REQUEST FOR SUMMARY DATA**

- A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
  1. A request for the preparation of summary data must include the following information:
    - a. Date the request is made;
    - b. A clear description of the data requested;
    - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
    - d. Method to contact requestor (phone number, address, or email address).
- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
  1. The estimated costs of preparing the summary data, if any; and
  2. The summary data requested; or
  3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
  4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data.

- C. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

## **VI. DATA BY AN INDIVIDUAL DATA SUBJECT**

- A. Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
- B. Private or confidential data on an individual shall not be collected, stored, used, or disseminated by the school district for any purposes other than those stated to the individual at the time of collection in accordance with Minnesota Statutes section 13.04, except as provided in Minnesota Statutes section 13.05, subdivision 4.
- C. Upon request to the responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data.
- D. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
- E. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.
- F. The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.
- G. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall

be disclosed only if the individual's statement of disagreement is included with the disclosed data.

- H. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by Minnesota Statutes chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.
- I. Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of Minnesota Statutes section 138.17.
- J. After completing, correcting, or destroying successfully challenged data, the school district may retain a copy of the commissioner of administration's order issued under Minnesota Statutes chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

## **VII. REQUESTS FOR DATA BY AN INDIVIDUAL SUBJECT OF THE DATA**

- A. All requests for individual subject data must be made in writing directed to the responsible authority.
- B. A request for individual subject data must include the following information:
  - 1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
  - 2. Date the request is made;
  - 3. A clear description of the data requested;
  - 4. Proof that the individual is the data subject or the data subject's parent or guardian;
  - 5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
  - 6. Method to contact the requestor (such as phone number, address, or email address).

- C. The identity of the requestor of private data is private.
- D. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- E. Policy 515 (Protection and Privacy of Pupil Records) addresses requests of students or their parents/guardians for educational records and data.

## VIII. COSTS

### A. Public Data

- 1. The school district will charge for copies provided as follows:
  - a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
  - b. More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
    - (1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).
    - (2) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.
- 2. All charges must be paid for in cash or by check in advance of receiving the copies.

### B. Summary Data

- 1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
- 2. The school district may assess costs associated with the preparation of summary data as follows:
  - a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any special costs

necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;

- b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

C. Data Belonging to an Individual Subject

1. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

The responsible authority shall not charge the data subject any fee in those instances where the data subject only desires to view private data.

The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies. Based on the factors set forth in Minnesota Rule 1205.0300, subpart 4, the school district determines that a reasonable fee would be the charges set forth in section VIII.A of this policy that apply to requests for data by the public.

2. The school district may not charge a fee to search for or to retrieve educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority.

**IX. ANNUAL REVIEW AND POSTING**

- A. The responsible authority shall prepare a written data access policy and a written policy for the rights of data subjects (including specific procedures the school district uses for access by the data subject to public or private data on individuals). The responsible authority shall update the policies no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.
- B. Copies of the policies shall be easily available to the public by distributing free copies to the public or by posting the policies in a conspicuous place within the school district that is easily accessible to the public or by posting them on the school district's website.

**Data Practices Contacts**

**Responsible Authority:**

Superintendent Peter Olson-Skog

School District 197, 1897 Delaware Avenue, Mendota Heights, MN 55118

651-403-7000

**Data Practices Compliance Official/Designee:**

Communications and Marketing Manager

School District 197, 1897 Delaware Avenue, Mendota Heights, MN 55118

651-403-7000

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.01 (Government Data)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.025 (Government Entity Obligation)  
Minn. Stat. § 13.03 (Access to Government Data)  
Minn. Stat. § 13.04 (Rights of Subjects to Data)  
Minn. Stat. § 13.05 (Duties of Responsible Authority)  
Minn. Stat. § 13.32 (Educational Data)  
Minn. Rules Part 1205.0300 (Access to Public Data)  
Minn. Rules Part 1205.0400 (Access to Private Data)

**Cross References:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

<b>POLICY ADOPTED:</b>	August 20, 2018
<b>POLICY REVIEWED/REVISED:</b>	April 17, 2023; April 15, 2024
<b>Monitoring Method:</b>	Administrative Review
<b>Monitoring Frequency:</b>	Annual Review

**TO:** School Board Members

**FROM:** Mark Fortman, Director of Operations

**DATE:** April 21, 2025

**RE:** Administrative Review of Policy 807, Health and Safety

**BACKGROUND:**

An administrative review of Policy 807, Health and Safety, has been completed. The current policy adheres to the District's processes and procedures currently in place. The District's current policy was reviewed against the MSBA model policy, and our policy continues to match that language. No changes are recommended at this time other than minor updates to the legal references section. This was last updated in May of 2022.

School District 197 reviews its policies on a 3-year cycle unless otherwise required by law. Typically, recommended policy changes are brought to the school board for three readings, with approval at the third reading. However, when the administration is recommending minor or no changes to the policy, it is labeled as an "administrative review." Consistent changes the board has asked to be applied to policies are considered minor. One example is using more inclusive language such as using "parent/guardian" instead of just "parent."

When labeled an "administrative review" the policy is placed on the consent agenda for a single reading with a recommendation to approve the policy as presented. As a reminder, board members always have the opportunity to remove a policy from the consent agenda to discuss it as part of the main agenda.

The policy was reviewed using the 4-way equity test. Due to the nature of the components of this policy, it is important to ensure that communications follow the district standards of translation from English to Spanish and other languages as requested. This will help to ensure that families are fully informed regarding any specific practices or procedures such as annual field spraying or annual notices regarding asbestos containing materials within our buildings.

**RECOMMENDED RESOLUTION:**

***BE IT RESOLVED*** by the School Board of School District 197 to approve Policy 807, Health and Safety, as presented.



## **OPERATIONAL EXPECTATIONS**

**ISD 197 School Board**

Buildings and Sites

Contact: Director of Operations

### **807 HEALTH AND SAFETY POLICY**

#### **I. PURPOSE**

The purpose of this policy is to assist the school district in promoting health and safety, reducing injuries, and complying with federal, state, and local health and safety laws and regulations.

#### **II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to implement a health and safety program that includes plans and procedures to protect employees, students, volunteers, and members of the general public who enter school district buildings and grounds. The objective of the health and safety program will be to provide a safe and healthy learning environment; to increase safety awareness; to help prevent accidents, illnesses, and injuries; to reduce liability; to assign duties and responsibilities to school district staff to implement and maintain the health and safety program; to establish written procedures for the identification and management of hazards or potential hazards; to train school district staff on safe work practices; and to comply with all health and safety, environmental, and occupational health laws, rules, and regulations.
- B. All school district employees have a responsibility for maintaining a safe and healthy environment within the school district and are expected to be involved in the health and safety program to the extent practicable. For the purpose of implementing this policy, the school district may form a health and safety advisory committee to be appointed by the superintendent. The health and safety advisory committee will be composed of employees and other individuals with specific knowledge of related issues. The advisory committee will provide recommendations to the administration regarding plans and procedures to implement this policy and to establish procedures for identifying, analyzing, and controlling hazards, minimizing risks, and training school district staff on safe work practices. The committee will also recommend procedures for investigating accidents and enforcement of workplace safety rules. Each recommendation shall include estimates of annual costs of implementing and maintaining that proposed recommendation. The superintendent may request that the safety committee established under Minn. Stat. § 182.676 carry out all or part of the duties of the advisory committee or the advisory committee may consider recommendations from a separate safety committee established under Minn. Stat § 182.676.

### **III. PROCEDURES**

- A. Based upon recommendations from the health and safety advisory committee and subject to the budget adopted by the school board to implement or maintain these recommendations, the administration will adopt and implement written plans and procedures for identification and management of hazards or potential hazards existing within the school district in accordance with federal, state, and local laws, rules, and regulations. Written plans and procedures will be maintained, updated, and reviewed by the school board on an annual basis and shall be an addendum to this policy. The administration shall identify in writing a contact person to oversee compliance with each specific plan or procedure.
- B. To the extent that federal, state, and local laws, rules, and regulations do not exist for identification and management of hazards or potential hazards, the health and safety advisory committee shall evaluate other available resources and generally accepted best practice recommendations. Best practices are techniques or actions which, through experience or research, have consistently proven to lead to specific positive outcomes.
- C. The school district shall monitor and make good faith efforts to comply with any new or amended laws, rules, or regulations to control potential hazards.

### **IV. PROGRAM AND PLANS**

- A. For the purpose of implementing this policy, the administration will, within the budgetary limitations adopted by the school board, implement a health and safety program that includes specific plan requirements in various areas as identified by the health and safety advisory committee. Areas that may be considered include, but are not limited to, the following:
  - 1. Asbestos
  - 2. Fire and Life Safety
  - 3. Employee Right to Know
  - 4. Emergency Action Planning
  - 5. Combustible and Hazardous Materials Storage
  - 6. Indoor Air Quality
  - 7. Mechanical Ventilation
  - 8. Mold Cleanup and Abatement
  - 9. Accident and Injury Reduction Program: Model AWAIR Program for Minnesota Schools
  - 10. Infectious Waste/Bloodborne Pathogens
  - 11. Community Right to Know
  - 12. Compressed Gas Safety
  - 13. Confined Space Standard
  - 14. Electrical Safety
  - 15. First Aid/CPR/AED

16. Food Safety Inspection
17. Forklift Safety
18. Hazardous Waste
19. Hearing Conservation
20. Hoist/Lift/Elevator Safety
21. Integrated Pest Management
22. Laboratory Safety Standard/Chemical Hygiene Plan
23. Lead
24. Control of Hazardous Energy Sources (Lockout/Tagout)
25. Machine Guarding
26. Safety Committee
27. Personal Protection Equipment (PPE)
28. Playground Safety
29. Radon
30. Respiratory Protection
31. Underground and Above Ground Storage Tanks
32. Welding/Cutting/Brazing
33. Fall Protection
34. National Emission Standards for Hazardous Air Pollutants for School Generators established by the United States E.P.A.
35. Other areas determined to be appropriate by the health and safety advisory committee.

If a risk is not present in the school district, the preparation of a plan or procedure for that risk will not be necessary.

- B. The administration shall establish procedures to ensure, to the extent practicable, that all employees are properly trained and instructed in job procedures, crisis response duties, and emergency response actions where exposure or possible exposure to hazards and potential hazards may occur.
- C. The administration shall conduct or arrange safety inspections and drills. Any identified hazards, unsafe conditions, or unsafe practices will be documented and corrective action will be taken to the extent practicable to control that hazard, unsafe condition, or unsafe practice.
- D. Communication from employees regarding hazards, unsafe or potentially unsafe working conditions, and unsafe or potentially unsafe practices is encouraged in either written or oral form. No employee will be retaliated against for reporting hazards or unsafe or potentially unsafe working conditions or practices.
- E. The administration shall conduct periodic workplace inspections to identify potential hazards and safety concerns.
- F. In the event of an accident or a near miss, the school district shall promptly cause an accident investigation to be conducted in order to determine the cause of the

incident and to take action to prevent a similar incident. All accidents and near misses must be reported to an immediate supervisor as soon as possible.

## V. BUDGET

The superintendent shall be responsible to provide for periodic school board review and approval of the various plan requirements of the health and safety program, including current plan requirements and related written plans and procedures and recommendations for additional plan requirements proposed to be adopted. The superintendent, or such other school official as designated by the superintendent, each year shall prepare preliminary revenue and expenditure budgets for the school district's health and safety program. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the members of the school board and the public. The school board shall review the projected revenues and expenditures for this program and make such adjustments within the expenditure budget to carry out the current program and to implement new recommendations within the revenues projected and appropriated for this purpose. No funds may be expended for the health and safety program in any school year prior to the adoption of the budget document authorizing that expenditure for that year, or prior to the adoption of an amendment to that budget document by the school board to authorize that expenditure for that year. The health and safety program shall be implemented, conducted, and administered within the fiscal restraints of the budget so adopted.

## VI. ENFORCEMENT

Enforcement of this policy is necessary for the goals of the school district's health and safety program to be achieved. Within applicable budget limitations, school district employees will be trained and receive periodic reviews of safety practices and procedures, focusing on areas that directly affect the employees' job duties. Employees shall participate in practice drills. Willful violations of safe work practices may result in disciplinary action in accordance with applicable school district policies.

**Legal References:** Minn. Stat. § 123B.56 (Health, Safety, and Environmental Management)  
Minn. Stat. § 123B.57 (~~Capital Expenditure~~; Health and Safety **Projects**)  
Minn. Stat. § 182.676 (Safety Committees)  
Minn. Rules Part 5208.0010 (**Accident and Injury Reduction Program**;  
Applicability)  
Minn. Rules Part 5208.0070 (Alternative Forms of Committee)

**Cross References:** School District Policy 701 (Establishment and Adoption of School District Budget)  
School District Policy 806 (Crisis Management Policy)

<b>POLICY ADOPTED:</b>	June 18, 2012
<b>POLICY REVIEWED/REVISED:</b>	August 20, 2018; May 16, 2022
<b>Monitoring Method:</b>	Administrative Review
<b>Monitoring Frequency:</b>	Every three years



1897 Delaware Avenue  
 Mendota Heights, MN 55118  
 P 651.403.7006 F 651.403.7010  
[www.isd197.org](http://www.isd197.org)

TO: School District 197 School Board Members

FROM: Tye Michaels, Director of Human Resources

DATE: April 21, 2025

SUBJECT: Termination and Nonrenewal of Probationary Teaching Contracts

The administration recommends that the School Board approve the resolution below regarding the termination and non-renewal of the following probationary teaching contracts.

School	Last Name	First Name	Dept./Grade
Two Rivers	Duffy	Kelly	Building Substitute
Somerset	Filipovitch	Natasha	Special Education
Somerset	Sigela	Heather	Building Substitute
Somerset	Quick	Stephanie	Art Teacher
Garlough	Freeman	Andrea	Special Education
Garlough	Graves	Jane	Building Substitute
Garlough	Maloney	Brittnie	Special Education
Garlough	Lamp Sparr	Kalee	iNature Teacher
Pilot Knob	Richter	Jordan	Building Substitute
Friendly Hills	Horak	Michele	Special Education
Friendly Hills	Dixon	Julie	Building Substitute
Friendly Hills	Keren	Aenea	Visual Art
Friendly Hills	Wiley	Emily	Special Education
Friendly Hills	Fixler	Nicholas	Social Studies
Friendly Hills	Gonzalez-Ozuna	Jacqueline	Special Education
Somerset	Peterson-Brandt	Valerie	Gifted and Talented
Heritage	Nelson	Amanda	Health Teacher
Heritage	Voigt	Mary	Math Teacher
Heritage	Hengen	Linda	Building Substitute
Mendota	Harness	Dominique	Special Education
Mendota	Mullaney	Maureen	Special Education
Mendota	Bushnell	Mason	Special Education
Mendota	Anderson	Erikka	Building Substitute
Moreland	Gronewald	Emily	Special Education
Moreland	Ronquillo	Ronadel	Special Education
Moreland	Schiltz	Emma	Special Education
Moreland	Birkeland	Sara	Building Substitute

**RESOLUTION:**

*WHEREAS*, the above named are probationary teachers in Independent School District 197.

*BE IT RESOLVED*. By the School Board of Independent School District 197, pursuant to Minnesota Statute 122A.40 Subdivision 5, the teaching contracts of the above-named, who are probationary teachers in Independent School District 197, be hereby terminated at the close of the current 2024-2025 school year.

*BE IT FURTHER RESOLVED* that written notice be sent to said teachers regarding termination and nonrenewal of their contracts.

# DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST- FORM 2

**Form 1 must have been completed and approved before submitting Form 2**

Submit to Principal/Administrator and Superintendent's Office no less than two months prior to domestic travel and no less than 4 months prior to international travel.

Staff Member Name and school: Ben Geiger Two Rivers High School

Date of Trip/Destination/Who trip is for: 5/15/2025 - 5/18/2025. NIETOC (Liberty,KS) Two Rivers Speech

Did you complete **FORM 1** for this trip and receive the required approval? Yes

TOUR CHECKLIST	RESPONSE
1. Dates of travel	5/15/2025-5/18/2025
2. Trip destination	Liberty, Kansas and Kansas City, Kansas
<b>3. SUBMIT:</b> Complete roster of travelers. Include a link to your roster in the response or attach a document. <i>Link to roster template:</i> <a href="#">TOUR ROSTER</a>	<a href="https://docs.google.com/spreadsheets/d/1O7fICjnbw9nKRIFXZewAvlf2YxeuuTQvLLINtxdqzWg/edit?usp=sharing">https://docs.google.com/spreadsheets/d/1O7fICjnbw9nKRIFXZewAvlf2YxeuuTQvLLINtxdqzWg/edit?usp=sharing</a>
<b>4. SUBMIT:</b> Detailed Itinerary, including hotel names, addresses and phone numbers. Include a link or attach a document with these details in your response.	<a href="https://docs.google.com/spreadsheets/d/1O7fICjnbw9nKRIFXZewAvlf2YxeuuTQvLLINtxdqzWg/edit?usp=sharing">https://docs.google.com/spreadsheets/d/1O7fICjnbw9nKRIFXZewAvlf2YxeuuTQvLLINtxdqzWg/edit?usp=sharing</a>
5. Final number of <b>student travelers</b>	11
6. Final number of <b>adult travelers who are paying their own way/fare.</b>	0
7. Final number of <b>adults travelers who are traveling with a free or reduced fare. [If any, include the amount by which their fare is reduced]</b>	2
8. Final number of <b>district employees (also include in #6 and #7 counts)</b>	2
9. <b>Ratio</b> of adults to students	1:5.5
<b>10. FINAL TOTAL of Number of Travelers (Adults and Students)</b>	
11. Have parents received detailed information about the cancellation policies and fees?	Yes
12. Is travel insurance through the tour company required OR optional for your travelers?	No

# DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST- FORM 2

**Form 1 must have been completed and approved before submitting Form 2**

Submit to Principal/Administrator and Superintendent's Office no less than two months prior to domestic travel and no less than 4 months prior to international travel.

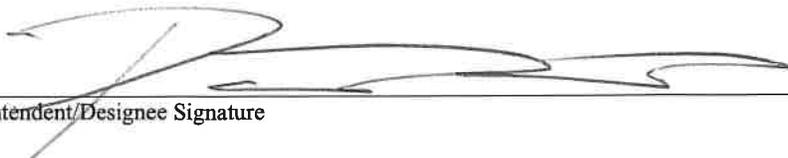
13. Has the district completed background checks for <b>all</b> adults?	Yes
14. Is this a private tour, or will you be traveling with students from other schools? If so, please include the full roster of the adjoining group.	No
15. How will you communicate with travelers while on tour?	Text, Google Chat and/or face to face.
16. How will you communicate with families back home/not on tour?	Call, Text and/or email
17. What is your plan for those requiring medication?	Students will carry their own medication as needed.

  
Staff Member's/Group Leader's Signature

4/8/25  
Date

**Required Approvals:**  
 AD  
Principal Signature

4/9/25  
Date

  
Superintendent/Designee Signature

4/15/25  
Date

\_\_\_\_\_  
School Board Approval

\_\_\_\_\_  
Date Approved

Once this form has been signed by your site administrator, submit it to the Superintendent for review and approval. It will then require School Board approval. Once approved, a signed copy will be returned to you for your records.

**DRAFT-DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST**  
**FORM 1- Site and district approval is required before students/families are notified**  
**of the trip and before any funds are collected for the potential trip.**

**Part 1 - Approval to Plan & Recruit for an Extended Trip- COMPLETE IN FULL**

Date of this request: 3/12/2025 Your name and school: Benjamin Geiger Two Rivers High School

Your Email: benjamin.geiger@isd197.org Your Phone Number: 612-578-5086

Date Principal was notified of this trip: 3/1/2025

Dates of Trip: 5/15-5/18 Date/Time Leaving: 5/15 8:00 AM Date/Time Returning: 5/18 6:00 PM

Destination(s): NIETOC; Liberty North High School (MO), Hilton Kanas City Airport

Who is this trip for (subject and grade levels)? Speech

Estimated number of students that will participate: 11

Estimated number of chaperones that will participate (all chaperons must undergo a background check): 2

\*Chaperone names: Ben Geiger, Ava Roots

**What is your chaperone ratio:** One Adult Chaperone for every 5.5 students (minimum of 2 regardless of the number of students and at least 1 for every 10 students). *\*Chaperones are defined as adults (minimum age of 21) who accompany and oversee groups of students. At least half (and no less than 2) of the chaperones must be current School District 197 employees. (Exceptions can be made to this requirement by the Superintendent. Provide rationale.)*

Form of Transportation: Commercial ~~Van~~ BUS Transportation Costs: \$1,595

*(For liability purposes, all transportation must be provided by district transportation, contracted services, or public transportation. Private transportation is NOT allowed. Vehicle rentals are considered a contracted service. Allowable vehicles are specified and drivers must have a Type III license. Call the ISD 197 Transportation Department at 651-403-8320 for details.)*

Lodging Name/Location: Hilton Kansas City Airport Lodging Costs: \$ 3,207.24

*(For liability purposes, all lodging must be public accommodations - hotel, public dormitory, etc. Exceptions may be requested and submitted to the Superintendent for consideration and possible approval.)*

Cost per adult/chaperone: \$ 369.40 Costs covered by: Speech *09 account*

Cost per student: \$ 369.41 Costs covered by: Speech *09 account*

Sub costs, if any, paid by: Activities Office TOTAL COST: ~~\$-USD~~ *9,802.24*

Please list all current School District 197 employees who will accompany this trip: Benjamin Geiger, Ava Roots

Provide a general description of the trip and include 1) the educational purpose/goal of this trip and 2) a summary of the agenda/itinerary (feel free to note and attach additional documentation): Attend the NIETOC National

Tournment. Students to display their mastery of communication.

**DRAFT-DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST**  
**FORM 1- Site and district approval is required before students/families are notified**  
**of the trip and before any funds are collected for the potential trip.**

If applicable, Tour Company Name: \_\_\_\_\_  
 If applicable, Tour Company Customer Service Phone #: \_\_\_\_\_  
 If applicable, Tour Company Emergency Phone #: \_\_\_\_\_

Trip Leader experience with educational travel as an adult (attach additional sheet if more space is needed):

Year	Destination(s)	# of Student Travelers	Age Range of Travelers	Your Role (coordinator, adult/chaperone, parent)
2024	Des Moines, IA NSDA Nationals	5	17-18	Coordinator
2024	Omaha, NE NIETOC	12	16-18	Coordinator
2024	Winona Cotter	6	17-18	Coordinator

**As the trip leader, I assure that...**

**[Please check the boxes that apply below, review the linked document, and sign the form before submission]**

- I have not/will not communicate this potential trip until preliminary approval of this form has been attained from both the principal and superintendent.
- I will follow the room assignment procedures outlined in the Overnight Field Trip and Gender Inclusion Procedures document.
- When the trip is communicated to families, communication will include:
  - o that the trip has received preliminary approval, but will not receive final approval until closer to the date of the trip
  - o that the trip may be canceled for a variety of reasons (insufficient chaperones, pandemic, destination issues)
  - o that students will complete a room assignment preference form
  - o the financial details describing:
    - Any fees that will not be refunded by the company or district if the trip is canceled
    - Options for travel insurance (including potential areas the insurance WON'T cover (cancellation, etc.)
    - All the options for meeting the financial commitments of the trip (family pays, fundraising opportunities, etc.)

\_\_\_\_\_  
 Trip/Group Leader's Signature 4/1/25  
Date

**Part 2 - Approvals:** \_\_\_\_\_ AD  
 \_\_\_\_\_  
 Principal Signature 4/1/25  
Date

\_\_\_\_\_  
 Superintendent/Designee Signature 4/4/25  
Date

Once this form has been signed by your site administrator, submit it to the Superintendent for review and possible approval. Once approved, a signed copy will be returned to you. Then the trip leader may proceed with FORM 2 of this process.

## DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST- FORM 2

**Form 1 must have been completed and approved before submitting Form 2**

Submit to Principal/Administrator and Superintendent's Office no less than two months prior to domestic travel and no less than 4 months prior to international travel.

**Staff Member Name and school:** Benjamin Geiger Two Rivers High School

**Date of Trip/Destination/Who trip is for:** 6/15/25-6/20/25; NSDA Nationals; Des Monies, Iowa; Speech/Debate

**Did you complete FORM 1 for this trip and receive the required approval?** Yes

TOUR CHECKLIST	RESPONSE
1. Dates of travel	6/15/25-6/20/25
2. Trip destination	Des Monies, Iowa Multiple High Schools, VRBO
<b>3. SUBMIT:</b> Complete roster of travelers. Include a link to your roster in the response or attach a document. <i>Link to roster template: <a href="#">TOUR ROSTER</a></i>	<a href="https://docs.google.com/spreadsheets/d/1LEUvQORDeH58XHafME_c-eiIKGnS_BPQdw73705FDkk/edit?usp=sharing">https://docs.google.com/spreadsheets/d/1LEUvQORDeH58XHafME_c-eiIKGnS_BPQdw73705FDkk/edit?usp=sharing</a>
<b>4. SUBMIT:</b> Detailed Itinerary, including hotel names, addresses and phone numbers. Include a link or attach a document with these details in your response.	<a href="https://docs.google.com/spreadsheets/d/1LEUvQORDeH58XHafME_c-eiIKGnS_BPQdw73705FDkk/edit?usp=sharing">https://docs.google.com/spreadsheets/d/1LEUvQORDeH58XHafME_c-eiIKGnS_BPQdw73705FDkk/edit?usp=sharing</a>
5. Final number of <b>student travelers</b>	6
6. Final number of <b>adult travelers who are paying their own way/fare.</b>	0
7. Final number of <b>adults travelers who are traveling with a free or reduced fare. [If any, include the amount by which their fare is reduced]</b>	2
8. Final number of <b>district employees (also include in #6 and #7 counts)</b>	2
9. <b>Ratio</b> of adults to students	1:3
<b>10. FINAL TOTAL of Number of Travelers (Adults and Students)</b>	
11. Have parents received detailed information about the cancellation policies and fees?	Yes
12. Is travel insurance through the tour company required OR optional for your travelers?	No

# DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST- FORM 2

**Form 1 must have been completed and approved before submitting Form 2**

Submit to Principal/Administrator and Superintendent's Office no less than two months prior to domestic travel and no less than 4 months prior to international travel.

13. Has the district completed background checks for <b>all</b> adults?	Yes
14. Is this a private tour, or will you be traveling with students from other schools? If so, please include the full roster of the adjoining group.	No
15. How will you communicate with travelers while on tour?	Phone, Google Chat, Email
16. How will you communicate with families back home/not on tour?	Phone or email
17. What is your plan for those requiring medication?	Students will bring the medication they need.

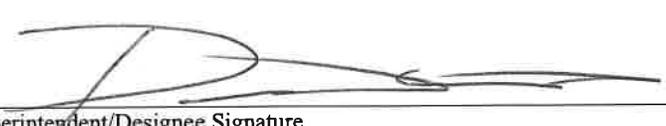
  
Staff Member's/Group Leader's Signature

4/8/25  
Date

**Required Approvals:**

 AD  
Principal Signature

4/9/25  
Date

  
Superintendent/Designee Signature

4/15/25  
Date

\_\_\_\_\_  
School Board Approval

\_\_\_\_\_  
Date Approved

Once this form has been signed by your site administrator, submit it to the Superintendent for review and approval. It will then require School Board approval. Once approved, a signed copy will be returned to you for your records.

**DRAFT-DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST**  
**FORM 1- Site and district approval is required before students/families are notified of the trip and before any funds are collected for the potential trip.**

**Part 1 - Approval to Plan & Recruit for an Extended Trip- COMPLETE IN FULL**

Date of this request: 3/12/2025 Your name and school: Benjamin Geiger Two Rivers High School

Your Email: benjamin.geiger@isd197.org Your Phone Number: 612-578-5086

Date Principal was notified of this trip: 3/1/2025

Dates of Trip: 6/15/2025-6/20/2025 Date/Time Leaving: 6/15 10:00 AM Date/Time Returning: 6/20 6:00 PM

Destination(s): NSDA National Tournament Des Moines Iowa Multiple High Schools, VRBO

Who is this trip for (subject and grade levels)? Speech

Estimated number of students that will participate: 6

Estimated number of chaperones that will participate (all chaperons must undergo a background check): 2

\*Chaperone names: Ben Geiger and Grace Randolph

**What is your chaperone ratio:** One Adult Chaperone for every 3 students (minimum of 2 regardless of the number of students and at least 1 for every 10 students). *\*Chaperones are defined as adults (minimum age of 21) who accompany and oversee groups of students. At least half (and no less than 2) of the chaperones must be current School District 197 employees. (Exceptions can be made to this requirement by the Superintendent. Provide rationale.)*

Form of Transportation: School Van Transportation Costs: \$ 400.00

*(For liability purposes, all transportation must be provided by district transportation, contracted services, or public transportation. Private transportation is NOT allowed. Vehicle rentals are considered a contracted service. Allowable vehicles are specified and drivers must have a Type III license. Call the ISD 197 Transportation Department at 651-403-8320 for details.)*

Lodging Name/Location: VRBO 2411 E 9th Street Des Moines, IA Lodging Costs: \$ 1,481.76

*(For liability purposes, all lodging must be public accommodations - hotel, public dormitory, etc. Exceptions may be requested and submitted to the Superintendent for consideration and possible approval.)*

Cost per adult/chaperone: \$ 313.63 Costs covered by: Speech *09 account*

Cost per student: \$ 313.63 Costs covered by: Speech *09 account*

Sub costs, if any, paid by: None TOTAL COST: \$ 1,881.76

Please list all current School District 197 employees who will accompany this trip: Benjamin Geiger and Grace Randolph

Provide a general description of the trip and include 1) the educational purpose/goal of this trip and 2) a summary of the agenda/itinerary (feel free to note and attach additional documentation): Attend the National Speech and Debate

Tournament. Students to display their mastery of communication. Students will attend scheduled competition rounds each day.

# DRAFT-DISTRICT 197 OVERNIGHT OR EXTENDED TRIP REQUEST

**FORM 1- Site and district approval is required before students/families are notified of the trip and before any funds are collected for the potential trip.**

If applicable, Tour Company Name: \_\_\_\_\_

If applicable, Tour Company Customer Service Phone #: \_\_\_\_\_

If applicable, Tour Company Emergency Phone #: \_\_\_\_\_

Trip Leader experience with educational travel as an adult (attach additional sheet if more space is needed):

Year	Destination(s)	# of Student Travelers	Age Range of Travelers	Your Role (coordinator, adult/chaperone, parent)
2024	Des Moines, IA NSDA Nationals	5	17-18	Coordinator
2024	Omaha, NE NIETOC	12	16-18	Coordinator
2024	Winona Cotter	6	17-18	Coordinator

**As the trip leader, I assure that...**

**[Please check the boxes that apply below, review the linked document, and sign the form before submission]**

- I have not/will not communicate this potential trip until preliminary approval of this form has been attained from both the principal and superintendent.
- I will follow the room assignment procedures outlined in the Overnight Field Trip and Gender Inclusion Procedures document.
- When the trip is communicated to families, communication will include:
  - o that the trip has received preliminary approval, but will not receive final approval until closer to the date of the trip
  - o that the trip may be canceled for a variety of reasons (insufficient chaperones, pandemic, destination issues)
  - o that students will complete a room assignment preference form
  - o the financial details describing:
    - Any fees that will not be refunded by the company or district if the trip is canceled
    - Options for travel insurance (including potential areas the insurance WON'T cover (cancellation, etc.)
    - All the options for meeting the financial commitments of the trip (family pays, fundraising opportunities, etc.)

4/1/25  
 Trip/Group Leader's Signature Date

**Part 2 - Approvals:**  AD
4/1/25  
 Principal Signature Date

4/4/25  
 Superintendent/Designee Signature Date

Once this form has been signed by your site administrator, submit it to the Superintendent for review and possible approval. Once approved, a signed copy will be returned to you. Then the trip leader may proceed with FORM 2 of this process.

**TO:** School Board

**FROM:** Tye Michaels, Director of Human Resources

**DATE:** April 21, 2025

**RE:** Second Reading of Policy 418, Drug-Free Workplace/Drug-Free School

**BACKGROUND:**

A review of Policy 418, Drug-Free Workplace/Drug-Free School, has been performed. A first reading was presented to board members at their meeting on February 18. The current policy adheres to District processes and procedures currently in place. The district's current policy was reviewed against the MSBA model policy. Based on this review, several changes were presented (below). Since the first reading, one additional change was made. The word "cannabis" was added throughout the policy consistently.

Changes presented February 18:

- Throughout the policy, the term cannabinoids has been added based on wording changes in Minnesota statutes
- Under II, General Statement of Policy, item C was added based on statute language
- Under III, Definitions, several have been added or updated
- Under IV, Exceptions, items have been added based on statute language
- Under V, Procedures, items have been added based on statute language
- Section IV, School Programs, was added based on statute language
- Under VII, Enforcement, changes have been made based on statute language
- Updates have been made to the legal references

This policy was also reviewed using the district's Four-Way Equity Test. The policy does not hinder opportunities or access for historically underserved, underrepresented, or disadvantaged students. Further, this policy does not produce barriers or reduce rigorous standards. Recognizing the need for more gender-inclusive language, "his or her" and "his/her" has been changed to "their" in locations throughout the policy.

**RESOLUTION:**

This is a second reading. No resolution is needed at this time.



## OPERATIONAL EXPECTATIONS

ISD 197 School Board

Employees/Personnel

Contact: Director of Human Resources

### 418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

#### I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students 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 student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, **medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products**, or 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 the school district owns, leases, rents, contracts for, or controls.**
- D. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

#### III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, ~~malt beverage, fortified wine, or other intoxicating liquor~~ **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 U.S.C. § 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, ~~excluding smoking,~~ 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, or other substances used or possessed with the intent of inducing intoxication or excitement of 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.**

- J. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration **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, except medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products**, which has a currently accepted medical use in treatment in the United States 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. 1a1 (experiments in laboratories; **pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder**). ~~While Minn. Stat. § 624.701, Subd. 1a, provides other exceptions through temporary liquor licenses, ISD 197 will consider these exceptions a violation of this policy.~~
- 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 in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.**
- D. The school district 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.
- 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. 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 he or she has received the policy.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances, medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products** in a school location except with the express permission of the superintendent.
- F. 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 child care facility. **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.**
- G. **Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes section 624.701, subdivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.**

## **VI. SCHOOL PROGRAMS**

- A. **Starting in the 2026-2027 school year, the school district 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:**
  - 1. **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**

2. **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. School district 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, the school district 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. The district 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**

1. **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.**
2. ~~The~~ Students may be referred to a drug or alcohol assistance or rehabilitation program; **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 to law enforcement officials when appropriate.
3. 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**

1. 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.

2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. 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 the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district 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.

***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 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
**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 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)  
Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)  
~~20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities)~~

Act)

**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:*** School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
School District Policy 416 (Drug and Alcohol Testing)  
School District Policy 417 (Chemical Use and Abuse)  
School District Policy 506 (Student Discipline)  
School District Policy 516 (Student Medication)

**POLICY ADOPTED:** October 16, 2006

**POLICY REVIEWED/REVISED:** November 21, 2016; April 16, 2018; September 20, 2021

**Monitoring Method:** Administrative Review

**Monitoring Frequency:** Every three years

To: School Board Members

From: Tye Michaels, Director of Human Resources & Jason Mutzenberger,  
Director of Finance (CESO)

Date: April 21, 2025

Re: Fiscal Year 2026 Health and Dental Insurance Recommendation

### **BACKGROUND**

The Labor-Management Committee (LMC) meets throughout the school year to review health and dental insurance supported by the district's benefits consultant (One Digital). It includes union leadership from each bargaining unit, a School Board representative, and the school district administration.

Districts must obtain bids every two years under the Health Insurance Transparency Act (HITA). As a self-insured district, the purpose of the bidding process is to select a third-party administrator who coordinates billing and coverage between our employees and the healthcare providers. We completed the HITA bid process this year, starting in January and finalizing in April.

The LMC recommended selecting Health Partners as our third-party administrator.

The administration agrees with the LMC and is recommending that the board approve Health Partners as the district's third-party administrator.

### **RECOMMENDED RESOLUTION:**

***BE IT RESOLVED*** that the School Board of Independent School District 197 approve Health Partners as the health insurance Third Party Administrator.



TO: School Board Members

FROM: Tye Michaels, Director of Human Resources

DATE: April 21, 2025

RE: Second Reading of Policy 416, Drug and Alcohol Testing

**BACKGROUND:**

A review of Policy 416, Drug and Alcohol Testing, has been performed. A first reading was presented to board members at their meeting on February 18. The district's current policy was reviewed against MSBA's model policy. Based on this review, several changes were presented at that February meeting. The changes are reiterated at the end of the document.

During the first reading, the board identified some potential issues. In response, the administration is proposing some additional changes. These are described below.

For some issues identified by the board, the administration is providing rationale as to why it does not recommend changes to what was included in the first reading. These are also described below.

**Additional Changes Proposed in the Second Reading**

- Section I, item A -The board expressed concerns about the tone of this section as it relates to permissible recreational use of cannabis. This section is not needed and has been removed in the second reading.
- Throughout the policy, there are instances that list different types of drugs and alcohol. The board wondered why 'cannabis' was included in some but not others. Legal counsel reviewed the various locations and only recommended adding it in one section, given that its absence in other sections was intentional due to related laws and statutes. The only location where 'cannabis' was added in the second reading was Section II.D in the last sentence.

**Issues Identified Where No Further Changes Are Recommended**

Board members discussed concerns about cannabis testing and how would be able to discriminate between permissible use versus non-permissible use. Legal counsel did not recommend changes to the related portions of the policy, but did offer the following constraints around testing that might alleviate some concerns.

*The District may only test other employees for cannabis use in two circumstances:*

- *Random testing for employees in safety-sensitive positions (which likely would not be many, if any, employees outside of those who fall within federal drug testing regulations)*
- *Reasonable suspicion testing - Reasonable suspicion testing only occurs when the District has some reason to believe that the employee is under the influence, like the employee exhibiting indicators of intoxication or being in possession of cannabis. In addition, if the test results are positive, the employee has the opportunity under both Minnesota law and Policy 416 to explain any positive test results.*

The District is proposing to adopt the MSBA's model policy, which is based on updated Minnesota laws governing drug, alcohol, and cannabis testing.

### **Changes Recommended in the First Reading Include**

- The title of the policy now includes cannabis testing and you will see the addition of that language throughout the policy.
- Under Section II, General Statement of Policy, item F was added as it goes into greater detail about the various forms of cannabis.
- Under Section III, Federally Mandated Drug and Alcohol Testing for School Bus Drivers:
  - Under B and C, additional definitions and detail were added
  - Under G, additional definition was added as it relates to cannabinoid products
  - Under H, new language was added for school districts to conduct full pre-employment queries through a federal Clearinghouse as required by federal law
  - Under M, a section on personal information was added as it relates to required reporting to the federal Clearinghouse
  - Items Q and R were added as it again relates to language on the federal Clearinghouse
- Under Section IV, Drug and Alcohol Testing for Other Employees, cannabis testing language was added and the definitions section was moved up from where it currently was in the current policy.
- Also Under Section IV, more detail was added as it relates to cannabis testing as well as a new section required by recent change in legislation as it relates to oral fluid testing.
- The list of legal references was updated.
- This policy references a number of attachments and those are included.

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### **RECOMMENDED RESOLUTION:**

This is a second reading. No resolution is needed at this time.



## OPERATIONAL EXPECTATIONS

ISD 197 School Board

Employment & Personnel

Contact: Director of Human Resources

### 416 DRUG, ~~AND~~ ALCOHOL, **AND CANNABIS** TESTING

#### I. PURPOSE

- A. ~~The school board recognizes the significant problems created by drug, and alcohol~~ **and cannabis** ~~use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.~~
- B. The school board believes that a work environment free of drug, ~~and alcohol~~ **and cannabis** use will not only be safer, healthier, and more productive, but also more conducive to effective learning. ~~Therefore,~~ To provide such an environment, the purpose of this policy is to provide authority so that the school board may require all employees and/or job applicants to submit to drug, ~~and alcohol~~ **and cannabis** testing in accordance with the provisions of this policy and as provided in federal law and Minn. Stat. §§ 181.950-181.957.

#### II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing **and cannabis testing** in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing **and cannabis testing** in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing **and cannabis testing** in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, **including medical cannabis, whether or not it has been prescribed for the employee,** is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has

been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.

- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol **or cannabis** is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol **or cannabis** is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.
- F. **The school district may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:**
  - 1. **if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;**
  - 2. **if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;**
  - 3. **as provided in the school district's written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by Minnesota Statutes, section 181.952; or**
  - 4. **as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.**

### III. **FEDERALLY MANDATED DRUG, AND ALCOHOL, AND CANNABIS TESTING FOR SCHOOL BUS DRIVERS**

#### A. General Statement of Policy

All persons subject to commercial driver's license requirements shall be tested for alcohol, ~~marijuana~~ **cannabis** (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

#### B. Definitions

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. "Commercial Motor Vehicle" (CMV) includes a vehicle which is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means ~~a designated school-district representative~~ **an employee** authorized **by the school district** to take immediate action to remove employees from safety-sensitive duties, **or cause employees to be removed from these covered duties, and** to make required decisions in the testing and evaluation process. ~~and to~~ **The DER** receives test results and other communications for the school district.
6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. **"Direct Observation" means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.**

8. “Driver” is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.
9. “Evidential Breath Testing Device” (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
- 10. “Licensed Medical Practitioner” means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.**
11. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.
12. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer’s instructions, in an observed collection, to raise the driver’s clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the Medical Review Officer as having a verified adulterated or

substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because ~~he or she has~~ **they have** left before it commences is not deemed to have refused to submit to testing.

13. “Safety-sensitive functions” are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work **and all responsibility for performing work**, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
14. “Screening Test Technician” (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
15. “Stand Down” means to temporarily remove an employee from performing safety-sensitive functions ~~after a~~ **based only upon a** laboratory reports **to the MRO of** a confirmed positive **test for a drug or drug metabolite**, an adulterated **test**, or a substituted test ~~result but~~ before the MRO completes the verification process.
16. “Substance Abuse Professional” (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

### C. Policy and Educational Materials

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.
2. The school district shall provide to each driver **information required under Title 49 of the Code of Federal Regulations, including** information concerning the effects of alcohol and controlled substances use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or ~~drug~~ **controlled substance** problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.

4. The school district shall require each driver to sign a statement certifying that they have received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

D. Alcohol and Controlled Substances Testing Program Manager

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.
2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a Commercial Motor Vehicle while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until ~~he or she~~ **they** undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.

7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician **practitioner who is familiar with the driver's medical history and** has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.

G. Prescription Drugs/**Cannabinoid Products**

A driver shall inform their supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a Commercial Motor Vehicle CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. **Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating**

**cannabinoids or edible cannabinoid product.**

H. Testing Requirements

1. Pre-Employment Testing

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.
- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. To be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.
- d. The applicant also must be asked whether they have tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. **Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse ("Clearinghouse") to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law. The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query (see Attachment**

**C to this policy). The school district shall retain the consent for three (3) years from the date of the query.**

2. Post-Accident Testing

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.**

3. Random Testing

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.
- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions,

and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.

- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made. **Each driver selected for testing shall be tested during the selection period.**
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, **including medical cannabis**, on duty, within four (4) hours before coming on duty, **or just after the period of the work day**. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school

district shall cease attempts to administer the test and state in the record the reasons for not administering the test.

- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until a SAP **has determined the employee** has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. **The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.**

6. Follow-Up Testing. When a SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.

7. Refusal to Submit and Attendant Consequences

- a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
- b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C. § 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
- c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.
- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by a

SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.

- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment D to this policy.

I. Testing Procedures

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to

provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that there is a legitimate explanation for the donor’s failure to contact them within seventh-two (72) hours, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether there is an acceptable medical reason for the positive result. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.

- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
  - (1) The donor expressly declines the opportunity to discuss the test results;
  - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
  - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor with ten (10) days of the date the confirmed test result was received from the laboratory.

## 2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or a STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.

- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor's inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

- 1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.
- 2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the Substance Abuse Professional; and
  - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
  - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances is a laboratory certified by the

Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations. Contact your Transportation or Human Resources department for the name, address and telephone number.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minn. Stat. Ch. 13. Any information concerning the individual’s test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

- 1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.
- 2. The required records shall be retained for the following minimum periods:

Basic records	5 years
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“Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
<del>Collection records</del> <b>Alcohol and controlled Substance collection procedures</b>	2 years
Negative and cancelled drug tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	Indefinite

“Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

**3. Personal Information**

**Personal information about all individuals who undergo any required testing under this policy will be shared with the U.S. DOT Drug & Alcohol Clearinghouse (“Clearinghouse”) as required under federal**

**law, including:**

- a. The name of the person tested;**
- b. Any verified positive, adulterated, or substituted drug test result;**
- c. Any alcohol confirmation test with a BAC concentration of 0.04 or higher;**
- d. Any refusal to submit to any test required hereunder;**
- e. Any report by a supervisor of actual knowledge of use as follows**
  - i. Any on-duty alcohol use;**
  - ii. Any pre-duty alcohol use;**
  - iii. Any alcohol use following an accident; and**
  - iv. Any controlled substance use.**
- f. Any report from a substance abuse professional certifying successful completion of the return-to-work process;**
- g. Any negative return-to-duty test; and**
- h. Any employer's report of completion of follow-up testing.**

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

- 1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
- 2. Referral, Evaluation, and Treatment
  - a. A driver or driver applicant who has engaged in prohibited conduct

shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.

- b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by a SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide a SAP evaluation or any subsequent recommended education or treatment.
- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo **cannabis testing or** drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other

employees” covered by Section IV. of this policy.

**Q. Report to Clearinghouse**

The school district shall promptly submit to the Clearinghouse any record generated of an individual who refuses to take an alcohol or controlled substance test required under Title 49, Code of Federal Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

**R. Annual Clearinghouse Query**

1. The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver’s consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearinghouse but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver’s Clearinghouse record contains no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulations. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations 382.701.
2. The school district may not access an individual’s Clearinghouse record unless the school district (1) obtains the individual’s prior written or electronic consent for access to the record; and (2) submits proof of the individual’s consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain for three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.

3. The school district shall protect the individual's privacy and confidentiality of each Clearinghouse record it receives. The school district shall ensure that information contained in a Clearinghouse record is not divulged to a person or entity not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a CMV for the school district.
4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

#### **IV. CANNABIS TESTING OR DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES**

The school district may request or require drug and alcohol testing **or cannabis testing** for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing **or cannabis testing** as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Section III. of this policy.) If a school bus driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Section IV. of this policy will be applicable to such testing.

##### **A. Definitions**

1. "Cannabis testing" means the analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis flower, as defined in Minnesota Statutes, section 342.01, subdivision 16, cannabis products, as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, hemp-derived consumer products as defined in section 342.01, subdivision 37, or cannabis metabolites in the sample tested. The definitions in this section apply to cannabis testing unless stated otherwise.
2. "Confirmatory test" and "confirmatory retest" mean a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
3. "Drug" means a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section

342.01, subdivision 50, and hemp-derived consumer products as defined in section 342.01, subdivision 37.

4. “Drug and Alcohol Testing,” “Drug or Alcohol Testing,” and “Drug or Alcohol Test” mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.
5. "Employee" means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer.
6. "Initial screening test" means a drug or alcohol test or cannabis test which uses a method of analysis under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
7. “Job Applicant” means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver’s license, and includes a person who has received a job offer made contingent on the person’s passing drug or alcohol testing. Job applicants for positions requiring a commercial driver’s license are governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III).
8. “Oral fluid test” means analysis of a saliva sample for the purpose of measuring the presence of the same substances as drug and alcohol testing and cannabis testing that:
  - a. can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1; and
  - b. does not require the services of a testing laboratory under section 181.953, subdivision 1.

[NOTE: The 2024 Minnesota legislature added oral fluid tests.]

9. “Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in

whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."

10. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
11. "Random Selection Basis" means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
12. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
13. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

B. Circumstances Under Which **Cannabis Testing or** Drug or Alcohol Testing May Be Requested or Required; Exceptions

1. General Limitations

- a. The school district ~~will~~ **may** not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing **or cannabis testing**, unless the testing is done pursuant to this policy; and **either (1)** is conducted by a testing laboratory ~~which participates in one of the programs~~ **that meets one of the criteria** listed in Minn. Stat. § 181.953, Subd. 1; **or (2) complies with the oral fluid test**

**procedures under section 181.953, Subd. 5a.**

- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing **or cannabis testing** on an arbitrary and capricious basis.

**2. Cannabis Testing Exceptions**

**For the following positions, cannabis and its metabolites are considered a drug and subject to the drug and alcohol testing provisions in Minnesota Statutes, sections 181.950 to 181.957:**

- a. **a safety-sensitive position, as defined in Minnesota Statutes, section 181.950, subdivision 13;**
- b. **a position requiring face-to-face care, training, education, supervision, counseling, consultation, or medical assistance to children;**
- c. **a position requiring a commercial driver's license or requiring an employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing of a job applicant or an employee;**
- d. **a position of employment funded by a federal grant; or**
- e. **any other position for which state or federal law requires testing of a job applicant or an employee for cannabis.**

**3. Job Applicant Testing**

The school district may request or require any job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer which is contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

- a. **The school district must not request or require a job applicant to undergo cannabis testing solely for the purpose of determining the presence or absence of cannabis as a condition**

of employment unless otherwise required by state or federal law.

- b. Unless otherwise required by state or federal law, the school district must not refuse to hire a job applicant solely because the job applicant submits to a cannabis test or a drug and alcohol test authorized by Minnesota law and the results of the test indicate the presence of cannabis.
- c. The school district must not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis.
- d. Cannabis testing authorized under paragraph (d) must comply with the safeguards for testing employees provided in Minnesota Statutes, sections 181.953 and 181.954.

**4. Oral fluid testing**

- a. When drug and alcohol testing or cannabis testing is otherwise authorized under Minnesota Statutes, section 181.951, the school district may request an employee or job applicant to undergo oral fluid testing according to the procedures under Minnesota Statutes, section 181.953, subdivision 5a as an alternative to using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1.
- b. The employee must be informed of the test result at the time of the oral fluid test. Within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive or invalid, the employee or job applicant may request drug or alcohol testing or cannabis testing at no cost to the employee or job applicant using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1, and according to the existing laboratory testing standards in subdivisions 1 to 5. The rights, notice, and limitations in Minnesota Statutes, section 181.953, subdivision 6, paragraph (b), and subdivisions 7 to 8 and 10 to 11 apply to an employee or job applicant and a laboratory test conducted pursuant to this paragraph.
- c. If the laboratory test under paragraph (b) above indicates a positive result, any subsequent confirmatory retest, if requested by the employee or job applicant, must be conducted following the retest procedures provided in Minnesota Statutes, section

**181.953, subdivision 6, paragraph (c), and subdivision 9 at the employee's or job applicant's own expense.**

- d. Nothing in this subdivision is intended to modify the existing requirements for drug and alcohol testing or cannabis testing in the workplace under Minnesota Statutes, sections 181.950 to 18.957, unless stated otherwise.**

5. Random Testing

The school district may request or require employees to undergo **cannabis testing or** drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

6. Reasonable Suspicion Testing

The school district may request or require any employee to undergo **cannabis testing or** drug and alcohol testing if the school district has a reasonable suspicion that the employee:

- a. is under the influence of **cannabis**, drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, **cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products** while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

7. Treatment Program Testing

The school district may request or require any employee to undergo **cannabis testing and** drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo **cannabis testing and** drug and alcohol testing without prior notice during the evaluation or treatment period and

for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

8. Routine Physical Examination Testing

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks' written notice that a drug or alcohol test may be requested or required as part of the physical examination.

C. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

~~C. Definitions~~

- ~~1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.~~
- ~~2. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.~~
- ~~3. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."~~
- ~~4. "Job applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's~~

~~license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.).~~

- ~~5. "Positive test result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.~~
- ~~6. "Random selection basis" means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.~~
- ~~7. "Reasonable suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.~~
- ~~8. "Safety sensitive position" means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.~~

D. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver's license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of Section IV.D.

2. Consequences of an Employee's Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver's license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant's Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial driver's license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, the school district shall provide the employee or job applicant with a Pretest Notice in the form of Attachment E to this policy on which to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing **or cannabis testing** policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing **or cannabis testing** of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test **or cannabis test**.

4. Notice of and Right to Explain Positive Test Result

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information (see Attachment G to this policy).
- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a

positive test result.

- c. The employee may present verification of enrollment in the medical cannabis patient registry **or of enrollment in a Tribal medical cannabis program** as part of the employee's explanation.
- d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.**
- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the employee with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at their expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at their own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of their intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform the employee of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments F and G to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

F. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver's License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test **or cannabis test** requested by the school district, unless the following conditions have been met:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol, **or cannabis** counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
  - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the

employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon or after hire or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in their personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process **or cannabis testing process** and conclusions drawn from and actions taken based on the reports or other acquired information.

G. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver's License

If a job applicant has received a job offer made contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

H. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of,

or must be placed in a secure area by a person authorized to handle the sample;

3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minn. Stat. Ch. 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minn. Stat. Ch. 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol **and cannabis** testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment H to this policy.

V. **POSTING**

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug, ~~and~~ alcohol, **and cannabis** testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 43A (State Personnel Management)  
**Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)**  
**Minn. Stat. § 152.01 (Definitions)**  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
Minn. Stat. § 152.32 (Protections for Registry Program Participation)  
**Minn. Stat. § 176.011, subd. 16 (Definitions; Personal Injury)**  
Minn. Stat. § 181.950-181.957 (Drug and Alcohol Testing in the Workplace)  
Minn. Stat. § 221.031 (Motor Carrier Rules)  
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)  
**49 U.S.C. 31306a (National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators)**  
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)  
49 C.F.R. Parts 40 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)  
49 C.F.R. Part 382 (Controlled Substances and Alcohol Use and Testing)

**Cross-References:** School District Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
School District Policy 406 (Public and Private Personnel Data)  
School District Policy 417 (Chemical Use and Abuse)  
School District Policy 418 (Drug-Free Workplace/Drug-Free School)

**POLICY ADOPTED:** December 14, 2009  
**POLICY REVIEWED/REVISED:** December 18, 2017; March 15, 2021  
**Monitoring Method:** Administrative Review  
**Monitoring Frequency:** Once every three years



ATTACHMENT A

— DRIVER ACKNOWLEDGMENT —

**DRUG, ~~AND~~ ALCOHOL, AND CANNABIS TESTING POLICY AND MATERIALS**

I have received a copy of the Drug, Alcohol, and Cannabis Testing Policy of Independent School District No. 197, Mendota Heights, Minnesota and have read it in its entirety. I understand that I am subject to the provisions of Article III of the policy, entitled Federally Mandated Drug and Alcohol Testing for School Bus Drivers, because the position involves operating a commercial motor vehicle and requires a commercial driver’s license.

The District’s policy was provided to me:

- Upon adoption of the policy (employee).
- Upon my hire (job applicant/new employee).
- After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug and alcohol testing (job applicant).

I also received materials concerning the effects of alcohol and controlled substances use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when an alcohol or drug problem is suspected.

I have been advised that the Alcohol and Controlled Substances Testing Program Manager is \_\_\_\_\_ and that any questions I may have concerning the Policy should be directed to the Program Manager.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Employee/Applicant*

\_\_\_\_\_  
*Typed or Printed Name*



ATTACHMENT B

— BUS DRIVER OR DRIVER APPLICANT —
AUTHORIZATION TO RELEASE INFORMATION

Section I. To be completed by the school district, signed by the bus driver, or driver applicant, and transmitted to the previous employer:

Employee Printed or Typed Name: \_\_\_\_\_

Employee SS or ID Number: \_\_\_\_\_

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

- 1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Section I-A

School District Name: West St. Paul-Mendota Heights-Eagan Area Schools, ISD 197

Address: 1897 Delaware Avenue, Mendota Heights, MN 55118

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Designated Employer Representative: \_\_\_\_\_

Section I-B

Previous Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Designated Employer Representative (if known): \_\_\_\_\_

Section II To be completed by the previous employer and transmitted by mail or fax to the new employer:

Section II-A. In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:

- 1. Did the employee have alcohol tests with a result of 0.04 or higher? YES \_\_\_ NO \_\_\_
2. Did the employee have verified positive drug tests? YES \_\_\_ NO \_\_\_
3. Did the employee refuse to be tested? YES \_\_\_ NO \_\_\_
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? YES \_\_\_ NO \_\_\_
5. Did a previous employer report a drug and alcohol rule violation to you? YES \_\_\_ NO \_\_\_
6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? N/A \_\_\_ YES \_\_\_ NO \_\_\_

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

Section II-B.

Name of person providing information in Section II-A: \_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_ Date: \_\_\_\_\_



ATTACHMENT C

— BUS DRIVER OR DRIVER APPLICANT —  
CONSENT TO SCHOOL DISTRICT CONDUCT  
OF CLEARINGHOUSE FULL QUERY

Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver’s License (CDL) Drug and Alcohol Clearinghouse (“Clearinghouse”) to obtain information about whether the driver

- (1) has a verified positive, adulterated, or substituted controlled substances test result;
- (2) has an alcohol confirmation test with a concentration of 0.04 or higher;
- (3) has refused to submit to a test in violation of federal law; or
- (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law.

The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query. The school district shall retain the consent for three (3) years from the date of the query.

I consent to the school district’s conduct of a Clearinghouse full query.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Typed or Printed Name*



ATTACHMENT D

**— BUS DRIVER OR DRIVER APPLICANT —  
REFUSAL TO SUBMIT TO TESTING**

I hereby refuse to submit to drug/alcohol testing by doing the following:

- Failing to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so;
- Failing to remain at the testing site until the testing process is complete;
- Failing to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test;
- Failing to permit the observation or monitoring of any provision of a specimen in the case of a directly observed or monitored collection in a drug test;
- Failing to provide a sufficient breath specimen or sufficient amount of urine when directed and it has been determined that there was no adequate medical explanation for the failure;
- Failing or declining to take a second test as directed;
- Failing to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) or the Designated Employer Representative (DER);
- Failing to cooperate with any part of the testing process (e.g., refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process, failing to wash hands after being directed to do so by the collector, failing to sign the certification on the form;
- Failing to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process;
- Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- Admitting to the collector or MRO that the driver adulterated or substituted the specimen; or
- Having a verified adulterated or substituted test as reported by the MRO.

[An applicant who fails to appear for a preemployment test, who leaves the testing site before the preemployment testing process commences, or who does not provide a urine specimen because he or she left before it commences, is not deemed to have refused to submit to testing.]

I recognize that my refusal subjects me to the consequences specified in federal law and regulations. It also constitutes a presumption of a positive result. I further recognize that if I am an applicant, I will be disqualified from consideration for the conditionally-offered position. If I am an employee, I will not be permitted to perform safety-sensitive functions, and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If the school district offers me an opportunity to return to a DOT safety-sensitive function, I understand I will be evaluated by a substance abuse professional, and will be required to submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Employee/Applicant*

Supervisor: \_\_\_\_\_

\_\_\_\_\_  
*Supervisor's Signature*

Comments: \_\_\_\_\_

\_\_\_\_\_

Employee refusal to sign

*Supervisor's Initials:* \_\_\_\_\_



ATTACHMENT E

— PRETEST NOTICE —

I, the undersigned employee/job applicant of Independent School District No. 197, Mendota Heights, Minnesota (“School District”) do hereby acknowledge that I have been provided a copy of the School District’s Drug, Alcohol, and Cannabis Testing Policy.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Employee/Job Applicant*

\_\_\_\_\_  
*Typed or Printed Name*



ATTACHMENT F

[Employee Name]  
[Employee Address]

**RE: Drug, Alcohol, and/or Cannabis Test**  
**[Date of Testing]**

**NOTICE OF TEST RESULTS AND VARIOUS RIGHTS**

Test Results:

Independent School District No. 197, Mendota Heights, Minnesota has received the test result report from the testing laboratory:

- G Your initial screening test result was negative.
- G Your confirmatory test result was negative.
- G Your confirmatory test result was positive.

Test Result Report:

You have the right to request and receive from the school district a copy of the test result on any drug or alcohol test or cannabis test.

Right to Explain Positive Test Result:

In the case of a positive test result on a confirmatory test, you have the right to explain the results. You may, within three (3) working days after notice of a positive test result on a confirmatory test, submit information to the school district, in addition to any information already submitted, to explain that result. Attached to this Notice is a document entitled "Explanation of Positive Test Result" for this purpose.

Right to Request Confirmatory Retests:

In the case of a positive test result on a confirmatory test, you have the right to request a confirmatory retest of the original sample at your own expense.

Within five (5) working days after notice of the confirmatory test result, you must notify the school district in writing of your intention to obtain a confirmatory retest.

Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that you have requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, alcohol, or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against you.

Other Rights:

In the case of a positive test result on a confirmatory test, you may have other rights provided under the sections detailed below.

A. Employee Discharge and Discipline

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee whose position does not require a commercial driver's license on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.

2. The school district may not discharge an employee whose position does not require a commercial driver's license for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol or cannabis counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
  - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
3. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
4. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire.
5. An employee must be given access to information in the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

B. Withdrawal of Applicant's Job Offer

If a job applicant for a position that does not require a commercial driver's license has received a job offer made contingent on the applicant passing drug, alcohol, and/or cannabis testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.



ATTACHMENT G

**EXPLANATION OF POSITIVE TEST RESULT**

I, the undersigned employee/job applicant of Independent School District No. 197, Mendota Heights, Minnesota acknowledge receipt of a Notice of Test Results and Various Rights. This includes my right to explain the positive test result on a confirmatory test.

I am currently taking or have recently taken:

- no over-the-counter or prescription medications; or
- the following over-the-counter or prescription medications:

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I also offer the following information relevant to the reliability of, or explanation for, a positive test result:

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Date: \_\_\_\_\_

\_\_\_\_\_

*Signature of Employee/Job Applicant*

\_\_\_\_\_

*Typed or Printed Name*

ATTACHMENT H



— ACKNOWLEDGMENT —

**DRUG, ALCOHOL, AND CANNABIS TESTING POLICY**

I have received a copy of the Drug, Alcohol, and Cannabis Testing Policy of Independent School District No. \_\_\_\_\_, \_\_\_\_\_, Minnesota and have read it in its entirety.

The District’s policy was provided to me:

- Upon adoption of the policy (employee)
- Upon my hire (job applicant/new employee)
- After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug, alcohol, and cannabis testing as applicable. (job applicant)

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Employee/Applicant*

\_\_\_\_\_  
*Typed or Printed Name*

TO: School Board Members

FROM: Peter Mau, Assistant Superintendent

DATE: April 21, 2025

SUBJECT: First Reading of Policy 535, Service Animals

**BACKGROUND:**

This optional policy was first adopted in May 2022. One of our sites had a student who used a service animal, and we determined that having a policy to govern service animals in the school district would benefit both families and staff.

Federal and state laws govern the use of service animals. This policy reflects applicable laws. There are a number of changes to this policy. They broadly fall into three categories: rearranging of content, modification of content, and additional content. The changes are made in all cases to align with the MSBA model policy language. Because a great deal of the policy was rearranged, a clean (non-bold and strikethrough) is also being provided.

The purpose statement (section I.) has been modified.

A general statement of purpose (section II.) has been added.

The title of section III was modified. In section III., the definition of a handler has been modified. The definition of a service animal has been modified. Old item B.-D., work tasks, was rearranged into new item D.

Section IV was renamed and content was added in A., B., and modified in C. Previous items D.-H. were rearranged. The new D. and E. were rearranged from the old IX. A. and B. into section IV. The new item F. was added.

Section V. was added. Old items III. D., E., and F. were rearranged and placed in section V. Items A., B., F., and G. were added.

Section VI. was added.



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The old section III. G. was rearranged and modified into the new Section VII.

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The old Section IV. is now Section VIII. The old item A. was eliminated. Modifications were made to assessment factors.

Old Section V., items D. and E. were rearranged into the new section IX.

Section X. was added.

Section XI. was added.

Old section III., item H. was rearranged into the new section XII. A. Item B. was added.

Several legal references were added. These additional references are reflected in the added and modified language above.

In reviewing the 4-Way Equity test, this policy helps ensure equitable access to our facilities and programs. It also ensures access and opportunities for people with disabilities, who have historically been underserved. While it may have some negative impacts on those with allergies or a fear of dogs, administration will work to mitigate these potential issues.

**RESOLUTION:**

This is a first reading. No resolution is needed at this time.



## OPERATIONAL EXPECTATIONS

ISD 197 School Board

Students

Contact: Assistant Superintendent

### 535 SERVICE ANIMALS IN SCHOOLS

#### I. ~~PURPOSE~~

~~Independent School District No. 197 prohibits discrimination against individuals based on disability, including individuals who require the assistance of a service animal. Toward that end, the District acknowledges its obligation to modify its policies to allow the use of a service animal by individuals with disabilities.~~

#### I. PURPOSE

**The purpose of this policy is to establish parameters for the use of service animals by students, employees, and visitors within school buildings and on school grounds.**

#### II. GENERAL STATEMENT OF POLICY

**Individuals with disabilities shall be permitted to bring their service animals into school buildings or on school grounds in accordance with, and subject to, this policy.**

#### III. DEFINITIONS

##### A. Handler

~~A “handler” is an individual with a disability who is accompanied by a service animal, a trainer who is accompanied by a service animal, or an individual who is handling a service animal for or on behalf of an individual with a disability~~ **uses a service animal. In the case of an individual who is unable to care for and supervise the service animal for reasons such as age or disability, “handler” means the person who cares for and supervises the animal on that individual’s behalf. School district personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.**

##### B. Service Animal

A. A “service animal” is a dog (regardless of breed or size) or miniature horse that is individually trained to perform “work or tasks” for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals,

whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets. **The “work or tasks” performed by a service animal must be directly related to the individual’s disability.** An animal accompanying an individual for the sole purpose of providing emotional support, therapy, comfort, or companionship is not a service animal.

~~B. The “work or tasks” performed by a service animal must be directly related to the individual’s disability.~~

~~C. Examples of “work or tasks” include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.~~

~~D. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.~~

### C. Trainer

A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

### D. Work or Tasks

1. **“Work or tasks” are those functions performed by a service animal.**
2. **Examples of “work or tasks” include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.**
3. **The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.**

#### **IV. RIGHTS AND RESPONSIBILITIES – ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES**

- A. ~~Equal Access:~~ **In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students and employees are allowed to go.** A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler or the individual who needs the service animal because of a disability has the right: (a) to be present on school district property or in school district facilities; (b) to attend or participate in a school sponsored event, activity, or program; or (c) to be transported in a vehicle that is operated by or on behalf of the school district.
- B. **It is an unfair discriminatory practice to prohibit a person with a disability from taking a service animal into the public place or conveyance to aid persons with disabilities, and if the service animal is properly harnessed or leashed so that the person with a disability may maintain control of the service animal.**
- C. ~~Equal Treatment: The District may not do any of the following: isolate the handler from individuals without service animals; ask or require the handler to pay an extra fee; or treat the handler less favorably than individuals without service animals.~~ **The school district shall not require a person with a disability to make an extra payment or pay an additional charge when taking a service animal into any school district building.**
- D. ~~Care and Supervision: The service animal must be housebroken. The School District is not responsible for the care or supervision of a service animal. The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, and toileting. Neither the District nor its staff will assume such responsibilities. The service animal must be properly vaccinated in accordance with applicable state laws and local ordinances.~~
- E. ~~Licensing: The service animal must be appropriately licensed in accordance with applicable state laws and local ordinances.~~
- F. ~~Tether: A service animal must have a harness, leash or other tether, unless: (a) the handler is unable to use a harness, leash, or other tether because of a disability, or (b) the use of a harness, leash, or other tether would interfere with the service animal's safe and effective performance of work or tasks. If either (a) or (b) applies, the service animal must be under the handler's control by voice, signals, or other effective means. Control: A service animal must be under the control of its handler.~~
- G. ~~Removal: A school official may require a handler to remove a service animal from District property, a district facility, a vehicle operated by or on behalf of the District, or a school sponsored event, activity, or program if the service animal is out of control and the handler does not take effective action to control it, or the service animal is not housebroken. If the District requires an individual with a disability to remove a service animal, the individual may remain on District property, in a~~

~~District facility, in a District owned or operated vehicle, or at a school sponsored event, activity, or program without having the service animal, unless the individual has violated a law or school rule or regulation that would warrant the removal of the individual.~~

~~H. Liability: A handler who is accompanied by a service animal is liable for any and all harm, injury, or damage caused by the service animal.~~

**D. When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person's disability, but may make the following two inquiries to determine whether the animal qualifies as a service animal:**

- 1. Is the service animal required because of a disability; and**
- 2. What work or tasks is the service animal trained to perform.**

**E. School district employees shall not make these inquiries of an individual with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. However, school district employees may inquire whether the individual with a disability has completed and submitted the request form described in Part VI., below.**

**F. An individual with a disability may not be required to provide documentation such as proof that the animal has been certified, trained, or licensed as a service animal.**

## **V. REQUIREMENTS FOR ALL SERVICE ANIMALS**

**A. The service animal must be required for the individual with a disability.**

**B. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability.**

**C. A service animal must have a harness, leash, or other tether, unless either the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case, the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).**

**D. The service animal must be housebroken.**

**E. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of a service animal, including walking the service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, and responding to the service animal's need to relieve itself, including the proper disposal of the service animal's waste.**

- F. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.**
- G. In the case of a student who is unable to care for and/or supervise his or her service animal, the student's parent/guardian is responsible for arranging for such care and supervision. In the case of an employee or other individual who is unable to care for and/or supervise his or her service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.**
- H. The service animal must be properly licensed and vaccinated in accordance with applicable state laws and local ordinances.**

## **VI. REQUESTING THE USE OF A SERVICE ANIMAL AT SCHOOL**

- A. Students with a disability seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the building principal of the school the student attends. The principal will notify the superintendent or the administrator designated with responsibility to address such requests. School district employees seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the superintendent or the administrator designated with responsibility to address such requests.**
- B. Students or employees seeking to bring a service animal onto district premises are requested to identify whether the need for the service animal is required because of a disability and to describe the work or tasks that the service animal is trained to perform.**
- C. The owner of the service animal shall provide written evidence that the service animal has received all vaccinations required by state law or local ordinance.**

## **VII. REMOVAL OR EXCLUSION OF A SERVICE ANIMAL**

- A. A school official may require a handler to remove a service animal from school district property, a school building, or a school-sponsored program or activity, if:**
  - 1. Any of the requirements described in Part V., above, are not met.**
  - 2. The service animal is out of control and/or the handler does not effectively control the animal's behavior;**
  - 3. The presence of the service animal would fundamentally alter the nature of a service, program or activity; or**
  - 4. The service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or otherwise poses a significant health or safety risk to others that cannot be eliminated by reasonable accommodations.**

- B. If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.**

## **VIII. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES**

~~Only Reasonable Modifications Required: The School District must make “reasonable” modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.~~

~~Assessment Factors: In determining~~ **assessing** ~~whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District may consider the following factors~~ **a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:**

- A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- B. Whether the handler has sufficient control of the miniature horse;
- C. Whether the miniature horse is housebroken; and
- D. Whether the miniature horse's presence in a specific facility **building or on school grounds** compromises legitimate safety requirements ~~that are necessary for safe operation.~~

## **IX. GUIDELINES FOR SERVICE ANIMALS**

- ~~A. Permitted Inquires: District staff generally may ask a handler or an individual with a disability if an animal is required because of a disability and, if so, what work or task the animal has been trained to perform. However, District staff may not make these inquiries when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has impaired vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).~~
- ~~B. Prohibited Inquires: District staff may not ask a handler or an individual with a disability about the nature or extent of a disability. In addition, District staff may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.~~
- ~~C. Vaccinations. Each handler is responsible for ensuring that the service animal is properly vaccinated.~~
- ~~D. Allergies: If a student or employee notifies the District that they are allergic to a service animal, the District will balance the rights of the individuals involved. Generally, allergies that are not life threatening are not a valid reason for prohibiting~~

the presence of a service animal.

~~E. — Fear of Animals: Fear of animals is not a valid reason for prohibiting the presence of a service animal.~~

~~F. — Working Status of Service Animals: Students, parents/guardians, and employees of the District should not feed or pet a service animal without permission from the handler. In addition, students, parents/guardians, and employees generally should not seek to separate a service animal from its handler.~~

~~G. — Notice Encouraged But Not Required: Students, parents/guardians, and employees are encouraged, but not required, to notify the building principal if they expect to be utilizing a service animal on a regular basis. This notification will not be used to deny access to any program, service, activity, or benefit. Rather, this notification will be used to provide an opportunity for discussion that is designed to assist the student or employee in transitioning to the regular use of a service animal at school or work.~~

## **IX. ALLERGIES; FEAR OF ANIMALS**

**If a student or employee notifies the school district that he or she is allergic to a service animal, the school district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of animals is generally not a valid reason for prohibiting the presence of a service animal.**

## **X. NON-SERVICE ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPS) OR SECTION 504 PLANS**

**If a special education student or a student with a Section 504 plan seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the student's IEP team or Section 504 team, as appropriate, to determine whether the animal is necessary for the student to receive a free appropriate public education (FAPE) or, in the case of a Section 504 student, to reasonably accommodate the student's access to the school district's programs and activities.**

## **XI. NON-SERVICE ANIMAL AS AN ACCOMMODATION FOR EMPLOYEES**

**If an employee seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the superintendent or the administrator designated to handle such requests. A school district employee who is a qualified individual with a disability will be allowed to bring such animal onto school property when it is determined that such use is required to enable the employee to perform the essential functions of his or her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.**

## **XII. LIABILITY**

**A. The owner of the service animal or non-service animal is responsible for any harm or injury to an individual and for any property damage caused by the**

**service animal while on school district property.**

- B. An individual who, directly or indirectly through statements or conduct, intentionally misrepresents an animal in that person’s possession as a service animal may be subject to criminal liability.**

*Legal References:*      **Section 504 of the Rehabilitation Act of 1973**  
                                 **28 C.F.R. § 35.104 (ADA Regulations)**  
                                 **28 C.F.R. § 35.130(b)(7) (ADA Regulations)**  
                                 28 C.F.R. § 35.136 (ADA Regulations)  
                                 **20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Act)**  
                                 Minn. Stat. § 256C.02 (Public Accommodations)  
                                 Minn. Stat. § 363A.19 (Discrimination Against Disabilities Prohibited)  
                                 **Minn. Stat. § 609.226 (Harm Caused by Dog)**  
                                 **Minn. Stat. § 609.833 (Misrepresentation of Service Animal)**

<b>POLICY ADOPTED:</b>	May 16, 2022
<b>POLICY REVIEWED/REVISED:</b>	
<b>Monitoring Method:</b>	Administrative Review
<b>Monitoring Frequency:</b>	Every three years



## **OPERATIONAL EXPECTATIONS**

**ISD 197 School Board**

Students

Contact: Assistant Superintendent

### **535 SERVICE ANIMALS IN SCHOOLS**

#### **I. PURPOSE**

The purpose of this policy is to establish parameters for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

#### **II. GENERAL STATEMENT OF POLICY**

Individuals with disabilities shall be permitted to bring their service animals into school buildings or on school grounds in accordance with, and subject to, this policy.

#### **III. DEFINITIONS**

A. Handler

A “handler” is an individual with a disability who uses a service animal. In the case of an individual who is unable to care for and supervise the service animal for reasons such as age or disability, “handler” means the person who cares for and supervises the animal on that individual’s behalf. School district personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.

B. Service Animal

A “service animal” is a dog (regardless of breed or size) or miniature horse that is individually trained to perform “work or tasks” for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets. The “work or tasks” performed by a service animal must be directly related to the individual’s disability. An animal accompanying an individual for the sole purpose of providing emotional support, therapy, comfort, or companionship is not a service animal.

C. Trainer

A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

D. Work or Tasks

1. “Work or tasks” are those functions performed by a service animal.
2. Examples of “work or tasks” include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
3. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.

**IV. ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES**

- A. In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students and employees are allowed to go. A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler or the individual who needs the service animal because of a disability has the right: (a) to be present on school district property or in school district facilities; (b) to attend or participate in a school sponsored event, activity, or program; or (c) to be transported in a vehicle that is operated by or on behalf of the school district.
- B. It is an unfair discriminatory practice to prohibit a person with a disability from taking a service animal into the public place or conveyance to aid persons with disabilities, and if the service animal is properly harnessed or leashed so that the person with a disability may maintain control of the service animal.
- C. The school district shall not require a person with a disability to make an extra payment or pay an additional charge when taking a service animal into any school district building.
- D. When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person’s disability, but may make the following two inquiries to determine whether the animal qualifies as a service animal:
  1. Is the service animal required because of a disability; and
  2. What work or tasks is the service animal trained to perform.

- E. School district employees shall not make these inquiries of an individual with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. However, school district employees may inquire whether the individual with a disability has completed and submitted the request form described in Part VI., below.
- F. An individual with a disability may not be required to provide documentation such as proof that the animal has been certified, trained, or licensed as a service animal.

## **V. REQUIREMENTS FOR ALL SERVICE ANIMALS**

- A. The service animal must be required for the individual with a disability.
- B. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability.
- C. A service animal must have a harness, leash, or other tether, unless either the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case, the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- D. The service animal must be housebroken.
- E. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of a service animal, including walking the service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, and responding to the service animal's need to relieve itself, including the proper disposal of the service animal's waste.
- F. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
- G. In the case of a student who is unable to care for and/or supervise his or her service animal, the student's parent/guardian is responsible for arranging for such care and supervision. In the case of an employee or other individual who is unable to care for and/or supervise his or her service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.
- H. The service animal must be properly licensed and vaccinated in accordance with applicable state laws and local ordinances.

## **VI. REQUESTING THE USE OF A SERVICE ANIMAL AT SCHOOL**

- A. Students with a disability seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the building principal of the school the student attends. The principal will notify the superintendent or the administrator designated with responsibility to address such requests. School district employees

seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the superintendent or the administrator designated with responsibility to address such requests.

- B. Students or employees seeking to bring a service animal onto district premises are requested to identify whether the need for the service animal is required because of a disability and to describe the work or tasks that the service animal is trained to perform.
- C. The owner of the service animal shall provide written evidence that the service animal has received all vaccinations required by state law or local ordinance.

## **VII. REMOVAL OR EXCLUSION OF A SERVICE ANIMAL**

- A. A school official may require a handler to remove a service animal from school district property, a school building, or a school-sponsored program or activity, if:
  - 1. Any of the requirements described in Part V., above, are not met.
  - 2. The service animal is out of control and/or the handler does not effectively control the animal's behavior;
  - 3. The presence of the service animal would fundamentally alter the nature of a service, program or activity; or
  - 4. The service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or otherwise poses a significant health or safety risk to others that cannot be eliminated by reasonable accommodations.
- B. If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.

## **VIII. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES**

In assessing whether a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:

- A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- B. Whether the handler has sufficient control of the miniature horse;
- C. Whether the miniature horse is housebroken; and
- D. Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate safety requirements.

