

Regular Meeting

Monday, January 11, 2021 6:00 PM

Virtual Meeting via Google Hangout, To view or listen to this meeting, send request to: jkilian@isd110.org, or , call: 952-442-0600

1. PUBLIC COMMENT

first 10 minutes will be available for public comment, if no comments, meeting will be called to order

2. CALL TO ORDER, ADOPTION OF AGENDA, and NOTATION OF MEMBERS IN ATTENDANCE

Presenter: Chair
Geller

3. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, AND CORRESPONDENCE

3.A. Upcoming Meetings:

Jan. 25 School Board Listening Hour w/WEA 5:30PM
(virtual)

Jan. 25 School Board Work Session 7:00PM
(virtual)

3.B. Oath of Office

I swear/affirm that I will support the Constitution of the United States and of this state, and that I will discharge faithfully the duties of the office of school board member of Independent School District No.110 to the best of my judgment and ability.

4. MINUTES OF PREVIOUS MEETING

Regular Meeting
Monday, December 14, 2020 6:00 PM Central

Virtual Meeting via Google Hangout
To view or listen to this meeting
send request to: jkilian@isd110.org
or , call: 952-442-0600

1. PUBLIC COMMENT

first 10 minutes will be available for public comment, if no comments, meeting will be called to order

Pam Wiese RE: School Activities, Marc Carrier RE: end of tenure, Derek Siddons RE: School Activities and Return to School

2. CALL TO ORDER, ADOPTION OF AGENDA, and NOTATION OF MEMBERS IN ATTENDANCE

Call to order by Chair Geller at 6:13 PM

Members present: Geller, Johnson, Thom, Myers, Weinand, Bullis, Varble

Members absent: none

Motion by Weinand to adopt agenda

Thom second

Roll call vote taken

All in favor

Motion carried

3. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, AND CORRESPONDENCE

- Thank you for service board members:
Cathy Thom, 2009-2020
Ken Varble, 2013-2016, + 9 mos. in 2020

3.A. Upcoming Meetings:

- Jan. 4 Organizational Meeting 7:00PM (virtual)
- Jan. 11 Regular Meeting 7:00PM (virtual)
- Jan. 28 *Tentative* Board Listening Hour w/WEA 5:30PM (virtual)
- Jan. 28 *Tentative* Work Session 7:00PM (virtual)

4. MINUTES OF PREVIOUS MEETING

Motion by Weinand to approve minutes of the Nov 9 regular and Nov 13 special meetings

Bullis second

Roll call vote taken

All in favor

Motion carried

5. CONSENT AGENDA

Motion by Weinand to approve consent agenda

Thom second
Roll call vote taken
All in favor
Motion carried

5.A. Bills and Wire Transfers

5.B. Human Resource Items:

Employment

Grace Stoa Replacement	Special Education Teacher Long-term Substitute	Laketown
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Employee Status Changes

Kristie Dustin, from SPED Educ Asst at 32.5 hrs/wk to Long-term Sub SPED Teacher at SV.
Abby Shirk, from Substitute Kids' Co Aide to year-round Kids' Co Aide in Community Education.

Leaves of Absence

Michelle Birr, Grade 1 Teacher at Southview.
Paul David, Director of Communications at Educational Services Center.
Mike Gunderson, Educational Assistant at Laketown.
Lauren Reed, Grade 1 Teacher at Laketown.

Retirements/Resignations/Terminations

Joseph Gray, Kids' Company Lead in Community Education.

5.C. PSEO Joint Powers Agreement w/MSU-Mankato

5.D. Receipts of Donation

6. REPORTS

6.A. Student Representative Report

6.B. Finance Report

6.C. Superintendent's Report

7. ACTION ITEMS

7.A. Approve Annual Audit Report
Motion by Weinand to approve annual audit report
Thom second
Roll call vote taken
All in favor
Motion carried

7.B. Truth in Taxation and Certify Final Property Tax Levy
Motion by Weinand to certify final property tax levy as presented
Thom second

Roll call vote taken
all in favor
Motion carried

7.C. School Board Handbook
Motion by Thom to approve the school board handbook
Johnson second
Roll call vote taken
All in favor
Motion carried

7.D. Resolution Establishing Combined Polling Places
Motion by Weinand to adopt resolution
Bullis second
Roll call vote taken
All in favor
Motion carried

7.E. Second Read Board Policies
Motion by Weinand to adopt policies as presented
Bullis second
Roll call vote taken
All in favor
Motion carried

7.E.1. 604 Instructional Curriculum

7.E.2. 606 Textbooks and Instructional Materials

7.E.3. 615 Basic Standards Testing Accommodations Modifications and Exemptions for IEP Section 504 Accommodations and LEP Students

7.E.4. 620 Credit for Learning

7.E.5. 625 Media and Book Selection

7.E.6. 702.3 Cash Reserves

7.E.7. 807 Health and Safety Policy

7.E.8. 906 Community Notification of Predatory Offenders

7.E.9. 907 Rewards

8. DISCUSSION ITEMS

8.A. Activities Update

8.B. First Read Board Policies

8.B.1. 524 Internet Acceptable Use

8.B.2. 503 Student Attendance

8.B.3. 517 Student Recruiting

8.B.4. 519 Interviews of Students by Outside Agencies

8.B.5. 520 Student Surveys

8.B.6. 527 Student Use and Parking of Motor Vehicles; Patrols, Inspections and Searches

8.B.7. 531 Pledge of Allegiance

8.B.8. 623 Mandatory Summer School Instruction

8.B.9. 626 Instructional Media

9. BOARD COMMITTEE REPORTS

9.A. Self-Governance & Superintendent Relations Committee
Chair Geller reported on mid-year evaluation for Superintendent Devine

9.B. Leadership & District Service Committee

9.C. Finance & Facilities Committee-of-the-Whole

9.D. Policy & Advocacy Committee

9.E. Southwest Metro Intermediate District 288 Representative

9.F. Teaching & Learning Advisory Council Representative

9.G. Community Education Advisory Council Representative

9.H. MSHSL Representative

9.I. Technology Committee Representative

9.J. District 110 Foundation Representative

9.K. Schools for Equity in Education (SEE) Representative

9.L. Carver County Elected Leaders Representative

9.M. City of Waconia Liaison

9.N. City of Minnetrista Liaison

9.O. City of Victoria Liaison

9.P. City of St. Bonifacius Liaison

9.Q. City of New Germany Liaison

10. ADJOURNMENT

Motion by Weinand to adjourn

Thom second

Roll call vote taken

All in favor

Motion carried

Meeting adjourned at 7:04PM

5. **CONSENT AGENDA**

5.A. Bills and Wire Transfers

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
600123	WACONIA EDUCATION ASSOCIATION	12/15/2020	R	12,037.68	December
600125	HOMETOWN BANK	12/15/2020	R	25,000.00	December
600126	APPLE INC	12/17/2020	R	398.00	December
600127	ARAMARK	12/17/2020	R	270.07	December
600128	ARCHER MECHANICAL	12/17/2020	R	1,597.96	December
600129	AVIBEN	12/17/2020	R	298.24	December
600130	BATTERIES R US	12/17/2020	R	419.98	December
600131	BEACON ATHLETICS	12/17/2020	R	3,546.00	December
600132	BEST BUY BUSINESS ADV ACCT	12/17/2020	R	400.00	December
600133	BUSINESS IMPACT GROUP	12/17/2020	R	707.04	December
600134	CITY OF WACONIA	12/17/2020	R	8,034.79	December
600135	D & J FURNITURE & FLOORING INC	12/17/2020	R	197.55	December
600136	DIVERSIFIED PLUMBING & HEATING	12/17/2020	R	6,713.63	December
600137	ECM PUBLISHERS, INC	12/17/2020	R	529.74	December
600138	EXPLORELEARNING	12/17/2020	R	2,965.50	December
600139	FALL HARVEST ORCHARD	12/17/2020	R	150.00	December
600140	GENERAL PARTS LLC	12/17/2020	R	293.00	December
600141	GKSS RADIN LLC	12/17/2020	R	269.61	December
600142	GRAINGER	12/17/2020	R	416.90	December
600143	HAPPY FEET SOCCER TWIN CITIES	12/17/2020	R	180.00	December
600144	HELEN SOLAR LLC	12/17/2020	R	3,969.11	December
600145	HILDI INC	12/17/2020	R	630.00	December
600146	HILLYARD/HUTCHINSON	12/17/2020	R	5,586.66	December
600147	INDIANHEAD FS DISTRIBUTOR	12/17/2020	R	1,240.12	December
600148	INFINITE CAMPUS, INC	12/17/2020	R	499.00	December
600149	INNOVATIVE OFFICE SOLUTIONS LL	12/17/2020	R	16.25	December
600150	KINKEAD, CRYSTAL	12/17/2020	R	28.00	December
600151	LAKESHORE LEARNING MATERIALS	12/17/2020	R	58.87	December
600152	LEARNING A-Z LICENSE	12/17/2020	R	461.80	December
600153	MACKENTHUN'S FINE FOODS	12/17/2020	R	419.99	December
600154	MACKIN LIBRARY SERVICE	12/17/2020	R	334.72	December
600155	MAYER LUMBER CO, INC	12/17/2020	R	146.23	December
600156	MN CLAY CO USA	12/17/2020	R	113.90	December
600157	MN FCCLA	12/17/2020	R	180.00	December
600158	MYSA	12/17/2020	R	819.00	December
600159	NICE SHIRT CO.	12/17/2020	R	834.20	December
600160	PARTS CITY WACONIA	12/17/2020	R	188.38	December
600161	PETERSON COMPANIES, INC	12/17/2020	R	72,415.29	December
600162	PETERSON SHEET METAL INC	12/17/2020	R	1,146.44	December
600163	QUADIENT INC	12/17/2020	R	139.73	December
600164	REINHART FOODSERVICE LLC	12/17/2020	R	180.28	December
600165	ROCKES, JUNE	12/17/2020	R	48.00	December
600166	SCHOOL SPECIALTY, INC	12/17/2020	R	167.98	December
600167	SFGFII, LLC	12/17/2020	R	12,268.15	December
600168	STAPLES ADVANTAGE	12/17/2020	R	49.17	December
600169	STEP SAVER, INC	12/17/2020	R	349.50	December
600170	TIERNEY BROS	12/17/2020	R	1,632.72	December
600171	TOLL GAS & WELDING SUPPLY	12/17/2020	R	10.98	December
600172	TOP INDUSTRIAL SUPPLY	12/17/2020	R	647.70	December
600173	TRIO SUPPLY COMPANY	12/17/2020	R	396.23	December
600174	UHL CO	12/17/2020	R	9,239.31	December
600175	UNITED FARMERS COOPERATIVE	12/17/2020	R	2,784.13	December
600176	WACONIA CHAMBER OF COMMERCE	12/17/2020	R	50.00	December
600177	WILSON LANGUAGE TRAINING CORP	12/17/2020	R	21,967.44	December
600178	WINSTED SOLAR LLC	12/17/2020	R	4,825.64	December
600179	AMAZON CAPITAL SERVICES	12/18/2020	R	1,021.83	December

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
600180	BIFFS, INC	12/22/2020	R	1,203.49	December
600181	CARVER COUNTY FINANCE	12/22/2020	R	446,378.00	December
600182	CARVER COUNTY TAXPAYER SERV DE	12/22/2020	R	6,549.62	December
600183	CREATURE WORKS, INC	12/22/2020	R	50.00	December
600184	ECM PUBLISHERS, INC	12/22/2020	R	413.10	December
600185	EDUCATORS BENEFIT CONSULTANTS	12/22/2020	R	461.63	December
600186	EVERSONS HARDWARE HANK	12/22/2020	R	140.70	December
600187	FOLLETT SCHOOL SOLUTIONS	12/22/2020	R	972.00	December
600188	FRANKLIN PRINTING INC	12/22/2020	R	375.00	December
600189	GRAINGER	12/22/2020	R	446.34	December
600190	HOLIDAY STATIONSTORES LLC	12/22/2020	R	42.89	December
600191	IEA, INC	12/22/2020	R	588.06	December
600192	INDIANHEAD FS DISTRIBUTOR	12/22/2020	R	4,797.80	December
600193	INNOVATIVE OFFICE SOLUTIONS LL	12/22/2020	R	164.66	December
600194	INNOVATIONAL WATER SOLUTIONS I	12/22/2020	R	1,157.00	December
600195	JW PEPPER & SON, INC	12/22/2020	R	90.00	December
600196	KAEDING ARCHITECTURE LLC	12/22/2020	R	5,383.50	December
600197	KIDCREATE STUDIO	12/22/2020	R	294.00	December
600198	KOCH SCHOOL BUS SERVICE, INC	12/22/2020	R	166,617.10	December
600199	LOFFLER COMPANIES	12/22/2020	R	675.78	December
600200	LVC COMPANIES INC	12/22/2020	R	1,052.65	December
600201	MASPA/STATE NEGOTIATORS	12/22/2020	R	110.00	December
600202	MEI TOTAL ELEVATOR SOLUTIONS	12/22/2020	R	549.15	December
600203	MINI BIFF LLC	12/22/2020	R	97.41	December
600204	MN DEPT LABOR & INDUSTRY	12/22/2020	R	300.00	December
600205	OFFICE OF MNIT SERVICES	12/22/2020	R	145.95	December
600206	ORIENTAL TRADING/FUN EXPRESS	12/22/2020	R	73.79	December
600207	PAN-O-GOLD BAKING CO	12/22/2020	R	1,632.60	December
600208	PLAINVIEW MILK PRODUCTS COOP	12/22/2020	R	5,683.41	December
600209	PLANSOURCE BENEFITS ADMIN INC	12/22/2020	R	2,337.50	December
600210	PREP TIME PRINTING	12/22/2020	R	15.00	December
600211	READING PLUS	12/22/2020	R	325.00	December
600212	SCHOOL SPECIALTY, INC	12/22/2020	R	242.42	December
600213	SONOVA USA INC	12/22/2020	R	1,631.99	December
600214	STAPLES ADVANTAGE	12/22/2020	R	100.60	December
600215	TRINITY LUTHERAN SCHOOL	12/22/2020	R	4,293.92	December
600216	TRIO SUPPLY COMPANY	12/22/2020	R	1,140.25	December
600217	UHL CO	12/22/2020	R	4,567.00	December
600218	USA Security	12/22/2020	R	7,713.63	December
600219	WA-CO REPAIR	12/22/2020	R	117.83	December
600220	ZABEL, LINDSAY	12/22/2020	R	365.00	December
600221	AMAZON CAPITAL SERVICES	12/23/2020	R	618.89	December
600222	GRIFFIN, RODNEY	12/28/2020	R	379.86	December
600223	HARTWIG, SUE	12/28/2020	R	242.73	December
600224	HULLANDER, STEVEN	12/28/2020	R	134.62	December
600225	KURTZ, LESLIE	12/28/2020	R	313.29	December
600226	LINDEMANN, ROBERT	12/28/2020	R	313.29	December
600227	LOZITO, LISA	12/28/2020	R	81.02	December
600228	OLSEN, JAMES	12/28/2020	R	286.96	December
600229	POPPE, JOYCE	12/28/2020	R	134.62	December
600230	RANDALL, JILL	12/28/2020	R	134.62	December
600231	SAYLES, DOUGLAS	12/28/2020	R	81.02	December
600232	SIMONSON, LINDA	12/28/2020	R	81.02	December
600233	SORENSEN, VICKI	12/28/2020	R	123.30	December
600234	TIMMERS, MARY	12/28/2020	R	104.30	December
600235	WERDAHL, KARIN	12/28/2020	R	55.52	December

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
600236	DISTRICT 110 FOUNDATION	12/30/2020	R	10.00	December
600237	EYE MED-FIDELITY SECURITY LIFE	12/30/2020	R	2,202.02	December
600238	LIFE INS CO OF NORTH AMERICA	12/30/2020	R	10,332.01	December
600239	NCPERS GROUP LIFE INS	12/30/2020	R	112.00	December
600240	SCHOOL SERVICE EMPLOYEES	12/30/2020	R	1,548.24	December
600241	WACONIA EDUCATION ASSOCIATION	12/30/2020	R	12,037.68	December
600242	APPLE INC	01/07/2021	R	1,199.00	January
600243	BLICK ART MATERIALS	01/07/2021	R	19.23	January
600244	BOTHWELL, JORDAN	01/07/2021	R	1,970.00	January
600245	BRANDED CUSTOM SPORTSWEAR INC	01/07/2021	R	4,311.00	January
600246	BUSINESS IMPACT GROUP	01/07/2021	R	10,449.07	January
600247	CARVER COUNTY TAXPAYER SERV DE	01/07/2021	R	2,129.04	January
600248	CITY OF WACONIA	01/07/2021	R	1,100.00	January
600249	FENNER, CHRISTINE	01/07/2021	R	400.00	January
600250	GRAINGER	01/07/2021	R	609.01	January
600251	HENDRYCKS, PHIL	01/07/2021	R	500.50	January
600252	HIGH POINT NETWORKS, LLC	01/07/2021	R	764.62	January
600253	INDIANHEAD FS DISTRIBUTOR	01/07/2021	R	17,379.10	January
600254	INFINITE HEALTH COLLABORATIVE	01/07/2021	R	25,000.00	January
600255	JW PEPPER & SON, INC	01/07/2021	R	327.49	January
600256	KAMI NOTABLE, INC.	01/07/2021	R	99.00	January
600257	KULLY SUPPLY COMPANY	01/07/2021	R	608.26	January
600258	LAKESHORE LEARNING MATERIALS	01/07/2021	R	1,270.84	January
600259	LEE'S REFRIGERATION	01/07/2021	R	255.00	January
600260	LOFFLER COMPANIES	01/07/2021	R	2,513.24	January
600261	MCGRAW-HILL LLC	01/07/2021	R	1,120.00	January
600262	NSPRA	01/07/2021	R	285.00	January
600263	ORIENTAL TRADING/FUN EXPRESS	01/07/2021	R	542.94	January
600264	PARTS CITY WACONIA	01/07/2021	R	92.97	January
600265	Pick A Time	01/07/2021	R	646.20	January
600266	PROFESSIONAL TURF & RENOVATION	01/07/2021	R	36,700.00	January
600267	RANDYS ENVIRONMENTAL SERV	01/07/2021	R	204.18	January
600268	READING PLUS	01/07/2021	R	130.00	January
600269	REINHART FOODSERVICE LLC	01/07/2021	R	887.63	January
600270	SAFARI ISLAND COMMUNITY CENTER	01/07/2021	R	63,111.50	January
600271	SCHOOL SPECIALTY, INC	01/07/2021	R	286.80	January
600272	SOUTHWEST METRO INTERMEDIATE D	01/07/2021	R	43,773.99	January
600273	SPECIAL SCHOOL DIST NO 1	01/07/2021	R	92.00	January
600274	STORMS WELDING & MFG INC	01/07/2021	R	578.24	January
600275	TERRAFORM PHOENIX II ARCADIA	01/07/2021	R	144.26	January
600276	TRANS-MISSISSIPPI BIOL SUPPLY	01/07/2021	R	90.15	January
600277	TRIO SUPPLY COMPANY	01/07/2021	R	1,212.76	January
600278	TURNER, KRISTAL	01/07/2021	R	89.00	January
600279	TWIN CITY HARDWARE	01/07/2021	R	407.49	January
600280	UNIVERSITY OF MN	01/07/2021	R	500.00	January
600281	US POSTAL SERVICE	01/07/2021	R	480.00	January
600282	WA-CO REPAIR	01/07/2021	R	82.09	January
600283	WACONIA LIONS CLUB	01/07/2021	R	2,500.00	January
600284	WINSTED SOLAR LLC	01/07/2021	R	4,100.92	January
600285	YMCA CUSTOMER SERVICE CENTER	01/07/2021	R	7,500.00	January
600286	AMAZON CAPITAL SERVICES	01/08/2021	R	2,824.12	January
202000543	BLUE CROSS AND BLUE SHIELD OF	12/15/2020	W	314,921.42	December
202000545	EDUCATIONAL SUPPORT PARA UNION	12/15/2020	W	1,221.08	December
202000546	INTERNAL REVENUE SERVICE	12/15/2020	W	269,852.43	December
202000547	MN CHILD SUPPORT PYMT' CENTER	12/15/2020	W	356.00	December
202000548	MN DEP' OF REVENUE	12/15/2020	W	43,510.78	December

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
202000549	MN TEACHERS RETIREMENT ASSN	12/15/2020	W	135,298.25	December
202000550	PERA	12/15/2020	W	48,842.85	December
202000551	EDUCATORS BENEFIT CONSULTANTS	12/15/2020	W	61,264.48	December
202000552	FURTHER	12/15/2020	W	6,396.35	December
202000554	MN DEPT OF REVENUE	12/15/2020	W	0.00	December
202000556	INTERNAL REVENUE SERVICE	12/15/2020	W	38.26	December
202000557	MN DEPT OF REVENUE	12/15/2020	W	0.00	December
202000558	MN TEACHERS RETIREMENT ASSN	12/15/2020	W	39.08	December
202000559	BLUE CROSS AND BLUE SHIELD OF	12/30/2020	W	322,475.31	December
202000561	EDUCATIONAL SUPPORT PARA UNION	12/30/2020	W	1,221.08	December
202000562	INTERNAL REVENUE SERVICE	12/30/2020	W	292,871.53	December
202000563	MN CHILD SUPPORT PYMT CENTER	12/30/2020	W	356.00	December
202000564	MN DEPT OF REVENUE	12/30/2020	W	48,012.98	December
202000565	MN TEACHERS RETIREMENT ASSN	12/30/2020	W	134,937.44	December
202000566	PERA	12/30/2020	W	51,231.82	December
202000567	EDUCATORS BENEFIT CONSULTANTS	12/30/2020	W	60,385.30	December
202000568	FURTHER	12/30/2020	W	6,396.35	December
202000569	XCEL ENERGY	12/02/2020	W	111.66	December
202000570	CENTERPOINT ENERGY	12/04/2020	W	47,613.37	December
202000571	AT&T MOBILITY	12/08/2020	W	429.07	December
202000572	T-MOBILE	12/11/2020	W	1,684.93	December
202000573	SPRINT WIRELESS	12/14/2020	W	763.44	December
202000574	QUADIENT FINANCE USA, INC	12/23/2020	W	1,300.00	December
202100030	CARLSON, NOREEN	12/17/2020	A	306.94	December
202100031	SHERMAN, MONICA	12/17/2020	A	147.66	December
202100032	BIENIEK-GELSCHUS, JANE	01/08/2021	A	15.53	January
202100033	DELANEY, DAVID	01/08/2021	A	123.03	January
202100034	KOLHEI, SHANNON	01/08/2021	A	59.66	January
202100035	OVERBY, MARY	01/08/2021	A	27.03	January
202100036	TACKMANN, LORI	01/08/2021	A	40.83	January

Totals for checks 2,999,453.80

FUND SUMMARY

FUND	DESCRIPTION	BALANCE SHEET	REVENUE	EXPENSE	TOTAL
01	General	1,733,247.16	0.00	676,222.13	2,409,469.29
02	Food Service	53,910.38	0.00	47,790.27	101,700.65
04	Community Service	78,359.55	530.00	7,618.28	86,507.83
06	Building Construction	0.00	0.00	72,415.29	72,415.29
20	Internal Service	0.00	0.00	325,314.74	325,314.74
80	General Trust	0.00	0.00	4,046.00	4,046.00
***	Fund Summary Totals ***	1,865,517.09	530.00	1,133,406.71	2,999,453.80

***** End of report *****

5.B. Human Resource Items:

5.B.1. HR Recommendations

**Waconia Public Schools
Independent School District No. 110
Waconia, Minnesota**

BOARD OF EDUCATION

Regular Meeting – January 11, 2021

AGENDA SECTION: **APPROVAL OF AGENDA AND CONSENT AGENDA ITEMS**

AGENDA ITEM: Human Resource Recommendations

ITEM ADDED BY: Sonya Sailer, Director of Human Resources

Employment

Will Holbrook New Position	Kids' Company Aide Part-time; hours will vary	Community Ed
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Alexis Kleman Replacement	Special Education Teacher 0.5 FTE	Southview
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Oray Tangen New Position	Kids' Company Lead Part-time; hours will vary	Community Ed
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Employee Status Changes

None

Leaves of Absence

Ron Stacken, Day Lead Custodian at WMS.
Annette Thomas, SPED Educational Assistant at BV.
Nick Hackman, Mathematics Teacher at WHS.
Katie Keogh, English/Language Arts Teacher at WHS.

Retirements/Resignations/Terminations

Sandra Barger, Elementary Assistant at LT.
Denise Barkey-Meis, Educational Assistant at SV.
Leah Dungan, Educational Assistant at BV.
Amy Howard, SPED Educational Assistant at LT.
Phyllis Haberman, Office Receptionist/Administrative Assistant I at ESC.
Pamela Holm, Educational Assistant at SV.
Alisa Johnson, Educational Assistant at BV.
Heather Lee, Educational Assistant at LT.
Joelle Ploog, Educational Assistant at SV.

It is recommended that the ISD 110 Board of Education approve the above human resource actions as proposed.

5.B.2. Proposed Hourly Wage Increase for
Community Education Behind-the-Wheel Instructors

**Waconia Public Schools
Independent School District No. 110
Waconia, Minnesota**

BOARD OF EDUCATION

Regular Meeting – January 11, 2021

AGENDA SECTION: Consent Agenda

AGENDA ITEM: Miscellaneous Wage Rates for Non-Benefit Eligible Positions

ITEM ADDED BY: Sonya Sailer, Director of Human Resources

It is recommended that the Board of Education approve an increase to the hourly rates for Community Education’s Behind-the-Wheel Instructors effective January 1, 2021 as follows:

Year 1	Year 2+
\$28.00	\$29.00

Behind-the-wheel instructors that provide services for a public school must hold a valid license through the Public Educators Licensing and Standards Board. Our district has been advertising for additional instructors for an extended period of time without success, which has caused a backlog in scheduling for this important program. A recent survey of surrounding school communities shows that our district’s current hourly rates, which range from \$22.00 to \$25.00, are below the market average of \$28.12. The cost of this proposed increase will be reflected in the fees necessary to provide this program.

The miscellaneous wage rates for non-benefit eligible positions document will be updated to reflect this change following the School Board’s approval.

5.C. Receipts of Donation

6. **REPORTS**

6.A. Student Representative Report

6.B. Finance Report

Presenter: Todd
Swanson, Director of
Finance & Operations

6.C. Superintendent's Report

Presenter: Pat
Devine,
Superintendent

LEADERSHIP HIGHLIGHTS

January 2021

Elementary: Happy New Year! We look forward to having the students back in the building in 2021. Before winter break the district (E-12) partnered with Backyard Wishes to create holiday cards for the assisted living facilities in Waconia. Proudly, 1098 cards were delivered across town to spread cheer. The elementary staff continues to reimagine events and traditions that are extremely important to our elementary students and families. Here are some examples of staff going the extra mile; gingerbread house kits were delivered to kindergarten students to complete at home, staff read alouds were recorded for students to watch over winter break, meals and materials were delivered to families, and library books continue to be distributed to students.

We continue to be amazed at the perseverance and grit our students, staff, and parents show during this time of distance learning. We will look back on the year of 2020 with Wildcat PRIDE for all that we have accomplished and the support we gave one another.

Middle School:

8th Grade Gratitude- Members of the 8th grade team organized, communicated and orchestrated a drive to collect thank you cards from WMS 8th grade students and staff to share with front line workers in our community. The efforts provided an opportunity to show our gratitude for the work of people on the front lines and working behind the scenes. We are all appreciative of the personal risks these professionals take day in and day out to keep us all safe and healthy during these challenging times. Before we left on winter break, 8th grade staff members delivered the thank you cards along with cookies, treats and beverages to the front line workers in our community.

This year the WMS PTO created an avenue to recognize the essential groups at WMS that go above and beyond to make WMS such a great school. The **December Above and Beyond Group** is our food services, Cafe 110 staff. The award states, "On behalf of the parents, students, and staff, THANK YOU for going above and beyond to ensure that our students have a safe and healthy environment to come to every day. We couldn't do any of this without you." Presented to: **Lorraine Calvente, Pam Fredrickson, Amanda Holt-Olson, Mary Stifter and Angela Williams.**

On Tuesday, we honored our **December WMS Teacher of the Month** for the 2020-21 school year. French teacher Mrs. Buettner was nominated by seventh-grader Cheyenne Burandt. Cheyenne wrote about her exceptional talents as a teacher to make learning fun and enjoyable. Cheyenne also highlighted her personal characteristics of being kind, helpful and caring. Furthermore, Cheyenne shared how Mrs. Buettner goes above and beyond in her generosity to

provide experiences like baking French crepes for students to experience the taste of true French cuisine. Congratulations to Mrs. Buettner, the WMS December Teacher of the Month and thank you to Cheyenne for submitting a great nomination letter. Both Mrs. Buettner and Cheyenne received treats including Laketown chocolates and a Target gift card as a token of appreciation from the WMS PTO.

High School: Happy New Year! The halls of Waconia High School were very quiet as we “returned” from our winter break. Even as students moved back into their distance learning classes, activity in the building has been limited to before and after school athletes.

As we enter January, the registration process for the 2021-22 school year is just around the corner. The Guidance Department is busy organizing the registration materials for next year and making plans to provide virtually all of the information they normally share through class and parent meetings. All of this will roll out by the end of the month.

Activities: www.waconiaathletics.com

Community Ed:

After a brief pause on Community Education activities during the month of December. We will be starting youth recreation practices the week of January 11. Other youth enrichment classes and programs will start the week of January 18. There will be a lot of changes with our recreation programs with the new mandate that masks need to be worn at all times.

Our Early Childhood program is looking forward to being able to offer in person learning again in January! Our teachers and families continue to do a great job with all of the changes that have come up throughout the year.

Human Resources:

A revised Board Policy Number 522 Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process is on the School Board’s agenda for consideration and action. Title IX is a federal law that prohibits discrimination against both students and employees of educational institutions on the basis of sex. This updated policy is the result of new regulations that define sexual harassment for Title IX purposes and require changes to the process of investigating Title IX complaints. Additional information about Title IX can be found on our district’s website at <https://www.isd110.org/departments/title-ix>.

Student Services:

The Week of January 25th has been designated as Paraprofessional Recognition Week by MDE and the Governor. This is a great opportunity for us to recognize the incredible work and contributions that paraprofessionals make in our schools and with students. Each building typically recognizes this group of staff at that level. MDE recently announced that after several years of moving this week around on the schedule, that going forward, the last week in January will be Paraprofessional Recognition Week annually.

Teaching & Learning:

Assessment Update: Our department continues to prepare for the Minnesota Comprehensive Assessments (MCAs) this spring as a federal waiver has not been granted to suspend statewide accountability testing. The MCAs are administered in the following subjects and grade levels:

Reading: Grades 3-8 and 10

Math: Grades 3-8 and 11

Science: Grades 5, 8, and 10

If we continue to be in a hybrid or in-person model of instruction, testing will be administered much as it has been done in the past. The Minnesota Department of Education (MDE) continues to explore options for remote administration of these assessments for our distance learners. We will learn more from MDE in February if remote administration will be possible. A big thanks to Tracy Edsill for coordinating the back-end tasks to prepare our district for these assessments.

ACT testing will continue at this point for all Juniors on April 13th. To create a positive testing experience for our juniors, grades 9, 10, and 12 will be off-site for a remote learning day. Weekend ACT testing is currently on pause by the state.

Cultural Competence Cohort: This year's Cultural Competence Cohort continues their learning activities in a virtual mode. On December 3, we participated in the first of 3 leadership sessions through the YMCA Center for Equity and Innovation. This session was titled, Bridging Cultural Differences: Understanding Identity and Diversity, which was informative and well done by YMCA facilitators UyenThi Tran Myhre and Anne Koo Thornquist. We look forward to the two remaining sessions on February 10 and April 7.

D110 has been able to secure streaming rights to a really great documentary titled, ***Race: The Power of an Illusion***. This is a provocative 3-hour series that provides eye-opening information to help people examine their beliefs about race, privilege, policy, and justice. Contact Kathy Oliphant if you are interested in viewing this series.

Superintendent:

Happy New Year to All!!

Welcome back from Winter Break. Hopefully you had a relaxing and rejuvenating break. As we come back to school in 2021, we are excited to see our students, even if it is virtual. 2020 was an unbelievable year that was full of amazing commitment and dedication by staff, students and parents to maintain our ONE10 excellence....THANK YOU! It is our hope that, at some point in 2021, we can return the school experience to some sense of normal.

Early Childhood and Elementary Students return to In-Person Learning on January 19th!

We know that the Governor's Executive Order in December allows us to bring E-5 students back to in-person instruction on January 19th. We are very excited about this opportunity. Based on Minnesota's evolving knowledge and understanding of the virus, the Safe Learning Plan has been updated so that early learning and elementary schools can return to in-person instruction without the need to meet the Hybrid safety protocols. Knowing that the data shows that elementary schools are safe to return to this educational model is good news for our students, parents and staff. We are looking forward to bringing our elementary school students back and will follow the updated safety protocols that are required.

The January 19th Learning Model for Students in Grades 6-12 will be announced 1/12/21

The MDE Regional Covid Advisory Team has approved the return of students in grades 6-12 to Hybrid Learning on January 19th (if this is what students, parents and staff would like to do). At the school board meeting on January 4th, the school board asked that we conduct a survey to determine the desired preference. Survey information is being collected and will be one data point in determining the school model we will recommend offering students in grades 6-12 starting on January 19th. Here is the link for the parent survey for those who have students in grades 6-12. Parents, please complete the survey by Sunday, 1/10/21. [Parent Choice Survey](#).

There is good rationale to support either educational model for students in grades 6-12. The social emotional interaction of the Hybrid model is very beneficial and the ability to have all students in a virtual classroom each day receiving instruction five days a week is also very beneficial. Administration will look at the survey data and other data to determine the best educational model for student learning and safety. We will put student learning first and the best interest of staff and parents will also be a factor. A recommendation will be made to the school board and the decision will be shared with staff, parents and students on Tuesday, 1/12/21.

Planning Time for the Transition and the Future Expectations

Depending on the plan, there may be non-instructional time that will be needed for planning to make the transition. On 1/12/21 parents and staff should expect to receive confirmation on potential student non-instructional time to allow for teacher planning time that would be scheduled for the end of next week.

As we move forward with the next learning plan we will continue to monitor the covid cases and the staff/student quarantine numbers to ensure safety and that we are delivering the best learning model under the conditions. Having enough teacher substitutes is still a concern. Unless the state changes their requirements, we should be able to stay with E-5 In-person instruction for the foreseeable future. It is our hope to transition the 6-12 students back in phases to eventually be back In-Person. Time, the state, the safety protocols and the covid numbers will determine if that will be possible.

WE Are ONE10

The 2020-2021 school year continues to be one with constant changes due to the pandemic. It is important that we all stay flexible and work together. In the end, working together to keep everyone safe will offer students the best opportunity for success. ONE10 staff is committed to providing the best learning environment possible during this pandemic. Thank you for your continued support and understanding.

Stay safe. Be well
Pat Devine

Saliva Test and Vaccine

The State of MN will be supplying ONE10 with COVID-19 saliva tests for all employees that want to be tested as soon as February 1st. Employees will be given the opportunity to be tested for COVID-19 every two weeks. Testing for employees is optional. More information about employee saliva testing sites and times will be shared soon.

The phasing schedule for the Covid-19 Vaccine is still unknown. We know that educators will be one of the first waves, yet the rollout is moving slower than anticipated. The information we are hearing from the MDH is that we may see the vaccine getting to our school employees as early as February and as late as April. We will inform all as soon as we have more precise information. The vaccine will be optional for employees, but we are encouraging all staff to consider receiving the vaccine for your health and the health of all at ONE10. Current guidance from MDH states that although the vaccine will offer protection, it will not exempt those persons vaccinated from wearing masks and continuing to follow MDH safety guidelines and requirements.

Trend of Carver County 14-day case rate per 10,000 people by date

I want to thank and congratulate our staff, students and community for doing their part to bring down the number of positive covid-19 cases so that we can get our students back in school.

Number - Date posted:

153.56 -11/14/20

178.96 -11/21/20

147.49 -11/28/20

119.00 -12/5/20

93.91 -12/12/20

58.36 -12/19/20

33.96 -12/26/20

Recommended policy options based on 14-day case rate range

Policy Option	Range (14-day case rate per 10,000 people)
In-person learning for all students	0 to less than 10
Elementary in-person, Middle/high school hybrid	10 to less than 20
Both hybrid	20 to less than 30
Elementary hybrid, Middle/high school distance	30 to less than 50
Both distance	50 or more

Parent Survey Results

ISD ONE10 sent the parents a Safe Learning Plan Parent Survey in late December. Overall the feedback from the survey is very positive. We are proud to know that we continue to partner well with our families and deliver excellence the best we can during a pandemic.

LINK to results:

https://docs.google.com/document/d/1-BVJOhPiZ443TZEEeMmF_cCbqzEChnxZQ9WpkraT5r2k/edit

Attendance and Grade Data

Kare 11 requested ONE10 to report grade and attendance data from this fall. We are pleased that we show low impact from our current learning model delivered this fall. In talking with many other schools our results are much more favorable....thanks to our wonderful students, staff members and parents. WE are ONE10!!

[Kare 11 Data Request info](#)

Resources used for Covid-19 related decisions at ONE10:

- [Carver County Covid-19 Dashboard](#)
- [MDE State Covid-19 Data](#)
- [Unofficial Current Covid-19 Trends by county or school district](#)
- [MDE Covid-19 Updates and Resources](#)
- [Executive Order 20-82](#)
- [Safe Learning Plan for the 2020-21 School Year](#)

Happy New Year to All!
A Big Thanks for making ONE10 a Great Place for Kids!!
WE Are ONE10!!

7. **ACTION ITEMS**

7.A. Second Read Board Policies

7.A.1. 524 Internet Acceptable Use

Adopted: _____

MSBA/MASA Model Policy 524

Orig. 1996

Revised: _____

Rev. 2014 2019

524 INTERNET ACCEPTABLE USE AND SAFETY POLICY

[Note: School districts are required by statute to have a policy addressing these issues.]

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of

employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

- A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:
1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
 2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
 3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
 4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
 5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
 6. Users will not use the school district system to post private information

about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message. *[Note: School districts should consider the impact of this paragraph on present practices and procedures, including, but not limited to, practices pertaining to employee communications, school or classroom websites, and student/employee use of social networking websites. Depending upon school district policies and practices, school districts may wish to add one or more of the following clarifying paragraphs.]*

- a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
- b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or

another individual on social networks, including, but not limited to, social networks such as ~~“MySpace” and “Facebook.”~~ “Twitter,” “Instagram,” “Snapchat,” and “Reddit,” and similar websites or applications.

7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person’s account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
 8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person’s property without the person’s prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
 10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district’s Bullying Prohibition Policy (MSBA/MASA Model Policy 514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

VI. FILTER

[Note: Pursuant to state law, school districts are required to restrict access to inappropriate materials on school computers with Internet access. School districts which seek technology revenue pursuant to Minn. Stat. § 125B.26 or certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. Those districts are required to comply with additional standards in restricting possible access to inappropriate materials. Therefore, school districts should select one of the following alternative sections depending upon whether the school district is seeking such funding and the type of funding sought.]

ALTERNATIVE NO. 1

For a school district which does not seek either state or federal funding in connection with its computer system, the following language should be adopted. It reflects a mandatory requirement under state law, Minn. Stat. § 125B.15.

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

[Note: The purchase of filtering technology is not required by state law if the school site would incur more than incidental expense in making the purchase. In the absence of filtering technology, school sites still are required to use "other effective methods" to restrict student access to such materials.]

ALTERNATIVE NO. 2

Technology revenue is available to school districts that meet the additional condition of also restricting adult access to inappropriate materials. School districts that seek such state technology revenue may adopt or retain the following language. However, the school district is not required to do so.



- A. All school district computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All school district computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

ALTERNATIVE NO. 3

School districts which receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. This law requires school districts to adopt an Internet safety policy which contains the provisions set forth below. Also, the Act requires such school districts to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. School districts that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for school districts that seek such federal financial assistance satisfies both state and federal law requirements.

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. Depicts, describes, or represents, in a patently offensive way with respect

to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

[Note: Although school districts are not required to adopt the more restrictive provisions contained in either Alternative No. 2 or No. 3 if they do not seek state or federal funding, they may choose to adopt the more restrictive provisions as a matter of school policy.]

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In

addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school district diskettes, tapes, hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with school district policies.
 - 2. Disclaimers limiting the school district's liability relative to:

- a. Information stored on school district diskettes, hard drives, or servers.
 - b. Information retrieved through school district computers, networks, or online resources.
 - c. Personal property used to access school district computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
 6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
 7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
 8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district

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

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

XIII. IMPLEMENTATION; POLICY REVIEW

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

Legal References: 15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et seq.* (Copyrights)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
United States v. Amer. Library Assoc., 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)

Doninger v. Niehoff, 527 F.3d 41 (2nd Cir. 2008)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Kowalski v. Berkeley County Sch., 652 F.3d 656 565 (4th Cir. 2011)
Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3rd Cir. 2011)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)
~~*J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)~~

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 806 (Crisis Management Policy)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

7.A.2. 503 Student Attendance

503 STUDENT ATTENDANCE

[Note: The provisions of this policy substantially reflect statutory requirements.]

I. PURPOSE

- A. The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher, and administrators. This policy will assist students in attending class.

II. GENERAL STATEMENT OF POLICY

A. Responsibilities

1. Student's Responsibility

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

2. Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

3. Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

- a. It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance, and to prepare a list of the previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.
- b. In accordance with the Minnesota Compulsory Instruction Law, Minn. Stat. § 120A.22, the students of the school district are **REQUIRED** to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Attendance Procedures

Attendance procedures shall be presented to the school board for review and approval. When approved by the school board, the attendance procedures will be included as an addendum to this policy.

1. Excused Absences

- a. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school. A note from a physician or a licensed mental health professional stating that the student cannot attend school is a valid excuse.
- b. The following reasons shall be sufficient to constitute excused absences:
 - (1) Illness.
 - (2) Serious illness in the student's immediate family.
 - (3) A death or funeral in the student's immediate family or of a close friend or relative.
 - (4) Medical, dental, or orthodontic treatment, or a counseling appointment.

- (5) Court appearances occasioned by family or personal action.
- (6) Religious instruction not to exceed three hours in any week.
- (7) Physical emergency conditions such as fire, flood, storm, etc.
- (8) Official school field trip or other school-sponsored outing.
- (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
- (10) Family emergencies.
- (11) Active duty in any military branch of the United States.
- (12) A student's condition that requires ongoing treatment for a mental health diagnosis.

[Note: State law provides that a school board may include other exemptions in the school district's attendance policy. See Minn. Stat. § 120A.22, Subd. 12. When considering whether to add other exemptions, school boards should consider the intent of the compulsory attendance law, which recognizes the educational value of regular attendance and class participation, and whether the proposed exemption is consistent with the intent of the law.]

c. Consequences of Excused Absences

- (1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher.
- (2) Work missed because of absence must be made up within a minimum of 2 days from the date of the student's return to school. Any work not completed within this period shall result in "no credit" for the missed assignment. However, the building principal or the classroom teacher may extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.

2. Unexcused Absences

- a. The following are examples of absences which will not be

excused:

- (1) Truancy. An absence by a student which was not approved by the parent and/or the school district.
- (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
- (3) Work at home.
- (4) Work at a business, except under a school-sponsored work release program.
- (5) Missed bus.
- (6) Overslept
- (7) Non-prearranged family vacation.
- (8) Absences resulting from cumulated unexcused tardies (3 tardies equal one unexcused absence).
- (9) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56. Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.
- (2) Truancy Pre-Diversion
 - (a) After 5 Unexcused Absences
 - Send 2nd notification to parent/guardian
 - AND**
 - The school will contact Carver County Truancy to schedule a pre-diversion
 - The school will also contact the parent/legal guardian regarding the truancy pre-diversion meeting.
- (3) Truancy Diversion

(a) After 7 Unexcused Absences:

- The school files the truancy paperwork with intake at Carver County Social Services
 - Once the referral has been made, the school and the assigned Social Worker will be in contact to schedule a Truancy Contract Meeting.
- (4) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.
- (5) Students with unexcused absences will also be subject to discipline in the following manner:
- (a) Students will not be allowed to make up work missed due to such absences.
 - (b) For every unexcused absence in a quarter or trimester the teacher will reduce the student's letter grade by one increment for each unexcused absence thereafter (i.e. A to A-) Refer to Grade Reductions in WHS Handbook

C. Tardiness

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.
2. Procedures for Reporting Tardiness
 - a. Students tardy at the start of school must report to the school office for an admission slip.
 - b. Tardiness between periods will be handled by the teacher.
3. Excused Tardiness

Valid excuses for tardiness are:

 - a. Illness.
 - b. Serious illness in the student's immediate family.
 - c. A death or funeral in the student's immediate family or of a close friend or relative.
 - d. Medical, dental, orthodontic, or mental health treatment.

- e. Court appearances occasioned by family or personal action.
- f. Physical emergency conditions such as fire, flood, storm, etc.
- g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

- a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.
- b. Consequences of tardiness may include detention after 3 unexcused tardies. In addition, 3 unexcused tardies are equivalent to one unexcused absence.

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs

- 1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.
- 2. School-initiated absences will be accepted and participation permitted.
- 3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
- 4. If a student is suspended from any class, he or she may not participate in any activity or program that day.
- 5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

III. DISSEMINATION OF POLICY

Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in each principal's office.

IV. REQUIRED REPORTING

A. Continuing Truant

Minn. Stat. § 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minn. Stat. § 120A.22 and is absent from instruction in a school, as defined in Minn. Stat. § 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in middle school, junior high school, or high school.

B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minn. Stat. § 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minn. Stat. § 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minn. Stat. § 120A.34;
4. That this notification serves as the notification required by Minn. Stat. § 120A.34;
5. That alternative educational programs and services may be available in the child's enrolling or resident district;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minn. Stat. Ch. 260;
8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minn. Stat. § 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

[Note: Where services and procedures under Minn. Stat. Ch. 260A are available within the school district, the following provisions should also be included in the

policy.]

C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.
2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minn. Stat. Ch. 260A.

Legal References: Minn. Stat. § 120A.05 (Definitions)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 120A.26 (Enforcement and Prosecution)
Minn. Stat. § 120A.34 (Violations; Penalties)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 260A.02 (Definitions)
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing Truant)
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)
Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)
Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729 (1975)
Slocum v. Holton Board of Education, 429 N.W.2d 607 (Mich. App. Ct. 1988)
Campbell v. Board of Education of New Milford, 475 A.2d 289 (Conn. 1984)
Hamer v. Board of Education of Township High School District No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)
Gutierrez v. School District R-1, 585 P.2d 935 (Co. Ct. App. 1978)
Knight v. Board of Education, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)
Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)

Policy Adopted: July 11, 1988,
Amended: February 12, 1996, / June 2003 / November 2005 / reviewed February 9, 2009 /
October 2017
Independent School District #110
Waconia, MN

7.A.3. 517 Student Recruiting

517 STUDENT RECRUITING

The purpose of this policy is to prevent school district employees from exerting undue influence for purposes of securing or retaining the attendance of a student in a school.

I. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school district to encourage employees to make available to all interested people information regarding the school district, its schools, programs, policies, and procedures. The purpose of such activity is to assist in the process of fully informed decision making regarding school enrollment and to enhance the visibility and image of the school district.
- B. At the same time, the school district recognizes that the scope of such activity is limited by statutory authority and bylaws of the Minnesota State High School League. Accordingly, it shall be a violation of this policy for employees to exert undue influence for purposes of securing or retaining the attendance of a student in a school or to compete with another school district for the enrollment of students.
- C. Employees are further prohibited from encouraging others to engage in such conduct on behalf of the school district.

II. DEFINITION

- A. The terms “undue influence” or “competing for enrollment” shall include initiating any oral or written contact with a student from another school district who participates in a school-sponsored sport or activity which solicits the student’s transfer to participate in a sport or activity.
- B. The terms shall also include the awarding of tuition, allowance for board and/or room, allowance for transportation, priority in assignments of jobs, cash or gifts in any form, or any other privilege or consideration if not similarly available to all students.

III. PROCEDURES

- A. The school board shall adopt, by resolution, specific standards for acceptance and rejection of applications for open enrollment. Standards may include the capacity of a program, class, school building, or the statutory limits to nonresident enrollment in a particular grade level, or whether the student is currently expelled for (1) possessing a dangerous weapon, as defined under federal law, at a school or school function; (2) possession or using an illegal drug at school or at a school function; (3) selling or soliciting the sale of a controlled substance while at school or a school function; or committing a first, second or third degree assault as described in state law. Standards for acceptance and rejection of open-enrollment

applications are subject to the Graduation Incentives Program and may not include previous academic achievement, athletic or other extracurricular ability, disabling conditions, proficiency in the English language, previous disciplinary proceedings, or the student's district of residence.

- B. Employees who violate the provisions of the policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, school district policies, and the bylaws of the Minnesota High School League, as applicable.

Legal References: Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.68 (Graduation Incentives Program)
Minn. State High School League Bylaws

Cross References: MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)
MSBA Service Manual Chapter 6, District Education Program (A-6: Enrollment Options Program)

Policy Adopted: July 2003 / December 19, 2005
Policy Reviewed: September 2017
Independent School District #110
Waconia, MN

7.A.4. 519 Interviews of Students by Outside
Agencies

519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

I. GENERAL STATEMENT OF POLICY

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

II. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

- A. In the case of an investigation pursuant to the Maltreatment of Minors Act, Minn. Stat. § 626.556, Subd. 10, a local welfare agency and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.
- B. If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to Minn. Stat. § 626.556, Subd. 10 (c) may specify that school district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.
- C. When the local welfare or local law enforcement agency determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. The notification shall include the name of the

child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency responsible for the investigation.

- D. School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.
- E. Students shall not be taken from school district property without the consent of the principal and without proper warrant.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 626.556, Subd. 10(c) and (d) (Duties of Local Welfare Agency and Local Law enforcement agency upon receipt of a report)

Cross References: Policy 109 (Complaints - Students, Employees, Parents, Other Persons)
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
Policy 515 (Protection and Privacy of Pupil Records)

Policy Adopted: July 2003 / December 19, 2005
Policy Reviewed: September 2017
Independent School District #110
Waconia, MN

7.A.5. 520 Student Surveys

520 STUDENT SURVEYS

Occasionally the school district utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

I. GENERAL STATEMENT OF POLICY

Student surveys may be conducted as determined necessary by the school district. Surveys, analyses and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h.

II. STUDENT SURVEYS IN GENERAL

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. There will be no requirement that the student return the survey, and no record of the student's returning a survey will be maintained.
- B. The superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate in such survey. Any and all documents containing the written permission of a parent for a student to participate in a survey will be maintained by the school district in a file separate from the survey responses.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

III. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM

- A. All instructional and supplementary materials which will be used in connection with any survey, analysis or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by

the parents or guardians of the students.

- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
1. political affiliations;
 2. mental and psychological problems potentially embarrassing to the student or the student's family;
 3. sex behavior and attitudes;
 4. illegal, antisocial, self-incriminating and demeaning behavior;
 5. critical appraisals of other individuals with whom respondents have close family relationships;
 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
 7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),
- C. The school district shall give parents and students notice of their rights under this section.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
20 U.S.C. 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. 1232h (Protection of Pupil Rights)
34 C.F.R. Part 99

Cross References: MSBA/MASA Model Policy 515 (Protection and Privacy of Student Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

Policy Adopted: July 2003 / December 19, 2005
Policy Revised: September 2013
Independent School District #110
Waconia, MN

7.A.6. 527 Student Use and Parking of Motor
Vehicles; Patrols, Inspections and Searches

Adopted: _____

MSBA/MASA Model Policy 527

Orig. 1998

Revised: _____

Rev. 2002

527 STUDENT USE AND PARKING OF MOTOR VEHICLES; PATROLS, INSPECTIONS, AND SEARCHES

I. PURPOSE

The purpose of this policy is to provide guidelines for use and parking of motor vehicles by students in school district locations, to maintain order and discipline in the schools, and to protect the health, safety, and welfare of students and school personnel.

II. GENERAL STATEMENT OF POLICY

~~It is the~~ The policy of this school district is to allow the limited use and parking of motor vehicles by students in school district locations. ~~It is the~~ The position of the school district is that a fair and equitable district-wide student motor vehicle policy will contribute to the quality of the student's educational experience, will maintain order and discipline in the schools, and will protect the health, safety, and welfare of students and school personnel. This policy applies to all students in the school district.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes, but is not limited to, weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the school district, and stolen property.
- B. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent, or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- C. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g., to prevent violence, serious and immediate risk of harm, or destruction of evidence), and the age of the student.
- D. "School district location" means property that is owned, rented, leased, or

borrowed by the school district for school purposes, as well as property immediately adjacent to such property that may be used for parking or gaining access to such property. A school district location also shall include 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.

IV. STUDENT USE OF MOTOR VEHICLES IN SCHOOL DISTRICT LOCATIONS

Students generally are not permitted to use motor vehicles during the school day in any school district location. Students may use motor vehicles on the high school campus[es] during the school day only if there is an emergency and permission has been granted to the student by (designated school official) to use a motor vehicle. Students are permitted to use motor vehicles in school district locations outside of the school day only on the high school campus[es].

High School Principal or designee

~~*[Note: This portion of the policy may need to be modified depending upon the designation of the high school campus as open or closed. For example, the school district may choose to adopt language for an open campus in the second sentence such as "Students may use motor vehicles on the high school campus[es] during the school day only during the student's designated lunch period or if there is an emergency and permission has been granted to the student by (designated school official) to use a motor vehicle during the school day."]*~~

V. STUDENT PARKING OF MOTOR VEHICLES IN SCHOOL DISTRICT LOCATIONS

- A. Students are permitted to park in a school district location as a matter of privilege, not of right. Students driving a motor vehicle to a high school campus may park the motor vehicle in the parking lot designated for student parking only. Students will not park vehicles in driveways, on private property, or in *[other designated areas, e.g., parking lots designated for use only by staff or by the general public]*.
- B. When there are unauthorized vehicles parked on school district property, school officials may:
1. move the vehicle or require the driver or other person in charge of the vehicle to move it off school district property; or
 2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of school district property.

VI. PATROLS, INSPECTIONS, AND SEARCHES

School officials may conduct routine patrols of school district locations and routine inspections of the exteriors of the motor vehicles of students. In addition, the interiors of

motor vehicles of students in school district locations may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule.

A. Patrols and Inspections

School officials may conduct routine patrols of student parking lots and other school district locations and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

B. Search of Interior of Student Motor Vehicle

The interiors of motor vehicles of students in school district locations, including glove or trunk compartments, may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to withdrawal of parking privileges and to discipline if the student refuses to open a locked motor vehicle under the student's control or its compartments upon the request of a school official.

C. Prohibition of Contraband and Interference with Patrols, Inspections, Searches, and/or Seizures

~~It shall be a~~ A violation of this policy occurs when ~~for~~ students ~~to~~ store or carry contraband in motor vehicles in a school district location or ~~to~~ interfere with patrols, inspections, searches, and/or seizures as provided by this policy.

D. Seizure of Contraband

If a search yields contraband, school officials will seize the item and may turn it over to legal officials for ultimate disposition when appropriate.

E. Dissemination of Policy

A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate.

VII. DIRECTIVES AND GUIDELINES

The superintendent is granted authority to develop and present for school board review and approval reasonable directives and guidelines which address specific needs of the school district related to student use and parking of motor vehicles in school district locations, such as a permit system and parking regulations. Approved directives and guidelines shall be attached as an addendum to this policy.

[Note: Some school districts may choose to allow students to park their cars in school

district locations, such as designated student parking lots, by permit only. Such a permit system can be used to assist in the dissemination and enforcement of the motor vehicle policy. For example, school districts instituting a permit system can advise students who apply for a permit that the motor vehicle policy exists and that their motor vehicles are subject to inspection and search by school officials. An acknowledgment form, such as the sample attached to this policy, can then be utilized to document the notice given and the student's receipt of the policy.]

[Note: If a school district institutes a permit system and intends to charge students a fee for parking permits, the procedures in Minn. Stat. § 123B.38 must be followed before the fees are implemented.]

VIII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to withdrawal of parking privileges and/or to discipline in accordance with the school district's Student Discipline Policy, which may include suspension, exclusion, or expulsion. ~~In addition, the student may be referred to legal officials when appropriate.~~

Legal References: U. S. Const., amend. IV
Minn. Const., art. I, §10
Minn. Stat. § 123B.02, Subds. 1 and 5 (General Powers of Independent School Districts)
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)

Cross References: MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 506 (Student Discipline)
[MSBA/MASA Model Policy 712 \(Video Surveillance Other Than on Buses\)](#)

7.A.7. 531 Pledge of Allegiance

Adopted: _____

MSBA/MASA Model Policy 531

Orig. 2003

Revised: _____

Rev. 2003

531 THE PLEDGE OF ALLEGIANCE

[Note: Recitation of the ~~pledge of allegiance~~ Pledge of Allegiance by students and instruction of students as provided in this policy are required by statute. Also, the statement in Part III., below, must be included in the student handbook or a policy guide ~~beginning with the 2004-2005 school year~~. A local school board or a charter school board of directors may waive these statutory requirements by a majority vote taken annually. If the local school board or charter school board of directors waives the requirement to recite the ~~pledge of allegiance~~ Pledge of Allegiance, it may adopt a district or school policy regarding the reciting of the ~~pledge of allegiance~~ Pledge of Allegiance.]

I. PURPOSE

The school board recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. The purpose of this policy is to provide for recitation of the ~~pledge of allegiance~~ Pledge of Allegiance and instruction in school to help further that end.

II. GENERAL STATEMENT OF POLICY

Students in this school district shall recite the ~~pledge of allegiance~~ Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate; or
- B. Over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

III. EXCEPTIONS

Anyone who does not wish to participate in reciting the ~~pledge of allegiance~~ Pledge of Allegiance for any personal reasons may elect not to do so. Students and school personnel must respect another person's right to make that choice.

IV. INSTRUCTION

Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

Legal References: Minn. Stat. § 121A.11, Subd. 3 (Pledge of Allegiance)
Minn. Stat. § 121A.11, Subd. 4 (Instruction)

Cross References:

7.A.8. 623 Mandatory Summer School Instruction

Adopted:

MSBA/MASA Model Policy 623

Orig. 1999

Revised:

Rev. 2019

623 MANDATORY SUMMER SCHOOL INSTRUCTION

I. PURPOSE

The purpose of this policy is to establish program parameters and student attendance guidelines and requirements for the school district relating to the provision of mandatory summer school educational services.

II. GENERAL STATEMENT OF POLICY

Summer school educational services and instruction shall be directed toward the fulfillment of the goals and objectives of the educational program and graduation standards of the school district.

III. PROCEDURES

A. The school district shall offer summer school instruction providing opportunities for:

1. ~~Remedial instruction at the _____ level(s);~~ **Intervention programs at the elementary and middle school levels;**
2. ~~Make-up and review courses at the _____ level(s);~~ **Credit redemption and review courses at the high school level;**
3. *Special education instruction and services related to mandatory summer school instruction consistent with applicable state and federal authority for all qualified disabled children where appropriate to their educational needs;*
4. ~~Reading intervention programs or instruction for students who are at risk of not learning to read before the end of second grade; and~~
4. **Other mandatory summer school programs as determined by the school district.**

B. All services of the summer school program will be free to residents of the school district whose need for a summer program has been identified by teachers or the school principal and who are required to attend pursuant to established school district criteria and the provisions of this policy.

- C. The summer school curriculum will be established in line with the needs of students and in accordance with rules of the Department of Education. Remedial, make-up, and review courses shall provide opportunities for students to qualify for promotion and/or credit in areas and subjects where previous work has not met promotion/credit standards. It shall further be designed to assist students who have not passed one or more basic requirements tests and who are in need of remediation services relating to the school district's graduation standards or who have been identified as at risk of not learning to read before the end of second grade.
- D. Summer school provides the opportunity for students to improve basic skills, further their academic progress, and/or accelerate in designated academic areas. The intent of the school district is to ensure that courses taught during the summer session are of the same level of instructional breadth and difficulty as provided during the regular school year.

IV. MANDATORY SUMMER SCHOOL INSTRUCTION

~~*[Note: The Compulsory Instruction Law at Minn. Stat. § 120A.22, Subd. 5, specifically authorizes school districts to require children subject to compulsory instruction to attend summer school. Each school district that wishes to implement mandatory summer school instruction must establish the criteria and standards for determining which students will be required to receive such instruction. These criteria should be developed and determined by the school board in consultation with appropriate educational professionals. The final criteria and standards should be provided with specificity in this section. These criteria are within the discretion of the school board and may be tailored to a school district's particular needs and resources. They may be aimed at certain grade levels, academic areas and programs, or at students in need of remediation services relating to the school district's graduation standards and basic requirements testing.]*~~

~~*[Also, pursuant to Minn. Stat. § 120B.12, as of the 2011-2012 school year, school districts must identify, before the end of kindergarten, grade 1, and grade 2, students who are not reading at grade level before the end of the current school year. Such students must be screened for characteristics of dyslexia. Reading assessments in English and in the predominant languages of district students, where practicable, must identify and evaluate students' areas of academic need related to literacy. School districts must also monitor the progress and provide reading instruction appropriate to the specific needs of English learners. School districts must use a locally adopted, developmentally appropriate, and culturally responsive assessment. School districts are required to provide reading intervention methods for such students, which may include requiring student attendance in summer school.]*~~

~~*[Alternative]*~~

The ~~school board~~ school district will direct the administration to identify and develop specific criteria and standards for determining which students ~~must~~ may receive summer school instruction. ~~These will be provided to the school board for review and approval on no less than an annual basis. The instruction information and availability will be shared with school families on an annual basis.~~ Following school board approval, the criteria and standards for mandatory summer school instruction will be included in this policy as Attachment A and incorporated herein by reference. The superintendent will identify the administrators responsible for coordinating the summer instruction, including:

- ~~Budgets~~ ← Budgeting
- Staffing
- Registration
- ~~Calendar~~ ← Scheduling
- Procedures

V. TRANSPORTATION SERVICES

- A. The school district shall make available transportation services for all students required to receive instruction in the school district's summer school program in accordance with Minn. Stat. § 120A.22, Subd. 5(b). The school district recognizes that transportation is an essential part of the school district services to students and parents but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.
- B. The school ~~board~~ district shall retain sole discretion, control, and management of scheduling routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, and any other matter relating to the provision of transportation services.

VI. SCHOOL BOARD REVIEW

The superintendent or designated representative shall report at least annually to the school board regarding the status and utilization of programs under this policy. ~~All summer school programs will be subject to annual review and approval by the school board.~~

Legal References: Minn. Stat. § 120A.20 (Admission to Public School)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120B.12 (Reading Proficiently no Later than the End of Grade 3)
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 123B.09 (Boards of Independent School Districts)
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)
Minn. Stat. § 125A.50 (Alternative Delivery of Specialized Instructional Services)

Minn. Rules Part 3501 (Graduation Standards)

Cross References: MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 605 (Alternative Programs)
MSBA/MASA Model Policy 707 (Transportation of Public School Students)

7.A.9. 626 Instructional Media

626 Instructional Media

Background

The abundance of media resources readily accessible to today's educators is staggering in its potential to enrich and enliven our instructional practices. While the effect of this abundance is largely positive, its potential for misuse leads the Administration of District 110, Waconia Public Schools, to establish the following guidelines to assist teachers.

Policy

A teacher employing a piece of media in the classroom must make a responsible assessment of and management plan for the multiple impacts of the media he/she employs.

It is the educational value of the piece of media that must be preeminent in the decision making of the teacher. Teachers must be guided by the classifications for recommended viewership of the media industry when and where it exists.

- Teachers may not expose students to media that has not been previewed and determined to be appropriate.
- If previewing is impossible as with live breaking news coverage, teachers must monitor what is being shown for its appropriateness to the age and sensitivities of the viewers and be ready to interrupt viewing and manage the various personal responses among their students.
- Teachers may not condone the use of media in classrooms that has been illegally or inappropriately procured.
- Teachers have a responsibility to provide an alternative educational experience to students who object or whose parents object to their engagement with a piece of media. Please refer to School Board Policy #609.

Guidelines

It is recognized that a piece of media can have multiple concurrent purposes often including, but not limited to the following: education, entertainment, amusement, politics, marketing, shock, and pacification.

- Worksheets or viewer guides often enhance the educational benefit of a viewing.

- Placing a piece of media in historical or intellectual context can enhance the educational benefit of a viewing.
- Discussing or debriefing the piece viewed should be the most common practice.

Age Appropriate

It is self-evident that not all media is appropriate to all ages of students in the classroom. For classified media G ratings allow the widest possible audiences; PG-rated pieces should suggest caution particularly as applied to younger students; R-rated pieces are generally not appropriate for school-aged children; X-rated pieces are never appropriate. The following MPAA ratings should be used to make age-appropriate decisions for student audiences.

G – General Audiences

- Material is appropriate for all age groups.

PG – Parental Guidance Suggested

- Some material may not be suitable for children. Use discretion for primary age groups.

PG-13 – Parents Strongly Cautioned

- Material is not suitable for audiences under the age of 13. Material should be previewed for grades 7 and up.

R – Restricted

- Material is not suitable for school age audiences. For high school audiences, excerpts might be used with judicious management and prior explanation.

NC-17 – Adults Only

- Not suitable or permitted for any school age audience.

With so many access points providing media that is unrated, teachers need to respond to the following guides:

- Excerpts of media pieces that would not be appropriate if the piece were shown in its entirety might be used with judicious management and prior explanation.

Cumulative Exposure

Teachers need to manage the cumulative exposure of a grade level or group of students to constant media exposure. Students should not be able to accurately describe a day before a vacation as a “movie” day in all their classes.

Policy Adopted: August 16, 2010
Independent School District No. 110
Waconia, MN

7.A.10. 522 Title IX Sex Nondiscrimination
Policy, Grievance Procedure and Process

522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

I. GENERAL STATEMENT OF POLICY

- A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.
- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator is:

**Sonya Sailer, Director of Human Resources
Waconia Public Schools
512 Industrial Boulevard
Waconia, Minnesota 55387
Telephone: (952) 442-0645
Email: TitleIXCoordinator@isd110.org**

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

- E. The effective date of this policy is August 14, 2020 and applies to alleged violations of this policy occurring on or after August 14, 2020.

II. DEFINITIONS

- A. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the school district’s Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. “Complainant” means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. **A parent or guardian of a minor complainant, or a legal guardian of an adult complainant, may act on behalf of a complainant, including through the filing of a formal complaint.** A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. “Day” or “days” means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- A. “Deliberately indifferent” means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- B. “Education program or activity” means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- C. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
 2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- D. “Informal resolution” means options for resolving a formal complaint that do not

involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

- E. “Party” refers interchangeably to a complainant or respondent.
- F. “Relevant questions” and “relevant evidence” are questions, documents, statements, or information that are related to the allegations raised in a formal complaint and have any tendency to make the allegations more or less likely to be true. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- G. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- H. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- I. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
 - 1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
 - 2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
 - 3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).
- J. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.

K. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. “Title IX Coordinator” means an employee of the school district that coordinates the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administrating the grievance process.
2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the **Title IX Coordinator**, Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker **for a formal complaint** cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker. **The Decision-maker may be an administrator, supervisor, or other individual qualified to determine and impose appropriate remedies if a determination of responsibility is made.**
4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker **for a formal complaint** cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker **in that formal complaint**. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.
5. **“Facilitator of Informal Resolution Process” means a person who facilitates the informal resolution process if desired by the parties. The Facilitator of**

the Informal Resolution Process may be the Title IX Coordinator, but may not be the Investigator, Decision-maker or Appellate Decision-maker in the formal complaint proposed for informal resolution.

6. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant **when a determination of responsibility for sexual harassment has been made against a respondent.**

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) **calendar** days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including

any appeal, within 120 calendar days of the date the formal complaint was received by the School District.

5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

IV. REPORTING PROHIBITED CONDUCT

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.

- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint .
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.
- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
 - 1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location

of the alleged incident, if known;

2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of this policy.

VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
 - a. The school district undertakes an individualized safety and risk analysis;
 - b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
 - c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including MSBA Model Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

VIII. DISMISSAL OF A FORMAL COMPLAINT

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
 - 1. Would not meet the definition of sexual harassment, even if proven;
 - 2. Did not occur in the school district's education program or activity; or

3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
 2. The respondent is no longer enrolled or employed by the school district; or
 3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
 - C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
 - D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

IX. INVESTIGATION OF A FORMAL COMPLAINT

- A. If a formal complaint is received by the school district, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does

not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

X. DETERMINATION REGARDING RESPONSIBILITY

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
 - 1. Identification of the allegations potentially constituting sexual harassment;
 - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - 3. Findings of fact supporting the determination;
 - 4. Conclusions regarding the application of the school district's code of conduct to the facts;
 - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the

school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and

6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XI. APPEALS

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
 1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

XII. RETALIATION PROHIBITED

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.
- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIII. TRAINING

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
 - 1. The Title IX definition of sexual harassment;
 - 2. The scope of the school district's education program or activity;

3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
 5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
 6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

XIV. DISSEMINATION OF POLICY

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
 3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX

Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and

4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

XV. RECORDKEEPING

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
 1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
 2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
 3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
 4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.
- B. The school district must also maintain for a period of seven calendar years records of:
 1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
 2. Any appeal and the result therefrom;
 3. Any informal resolution and the result therefrom; and
 4. All materials used to train Title IX Personnel.

XVI. APPLICATION OF LAWS OTHER THAN TITLE IX

A. If a formal complaint is dismissed because the allegations, if true, would not constitute sexual harassment as described above or if a Decision-maker or Appellate Decision-maker makes a determination that a respondent is not responsible for sexual harassment under these procedures, the Title IX Coordinator will consider whether the alleged conduct may constitute a violation of one or both of the alternative definitions of sexual harassment below. If an investigation has already been conducted, the Title IX Coordinator may review the investigation to determine whether prohibited sexual harassment has occurred. If the Title IX Coordinator concludes that it has, the Title IX Coordinator shall report those findings to the Decision-maker and the Decision-maker shall impose or recommend remedies. If no investigation has taken place, the complaint shall be investigated consistent with Policy 413.

B. Alternative Definitions of Sexual Harassment

1. Minnesota Human Rights Act (Applicable to Employees and Students)

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
- c. that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment, or educational environment.

2. Title VII (Applicable to Employees)

“Sexual harassment” mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,

- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Policy Adopted: July 2003, revised January 2006, revised May 2010, revised April 2015, reviewed May 2016, reviewed June 2017, reviewed May 2018, reviewed February 2020, revised December 2020.

Independent School District 110
Waconia, MN

8. **DISCUSSION ITEMS**

8.A. Safe Learning Plan

messenger110@isd110.org via waconiamn.mg.infinitecam

Tue, Jan 12,
2:29 PM (8
days ago)

to me

Dear ISD ONE10 Parents,

Last Friday, I stated that I would announce our ISD ONE10 Safe Learning Plan update today and what the transition to return to campus would look like. Last night the school board met and we had a long discussion on what would be best for the return to campus for students and staff. The ONE10 Administration Team has looked at the learning model preference survey results from the staff, students and parents along with many other data points to come up with a recommendation to the school board. There were many great points shared by parents, students, staff, teachers, administration and the school board. In making a big decision about student learning it is important to consider views of all stakeholders. In the end it is about the safety of all students and staff, the impact on student learning and addressing the social emotional needs of all.

I want to acknowledge that what we are all experiencing during this pandemic is not easy and there are no easy answers on how to address it. The opinions of what is best from parents to staff to experts is all over the place, and no matter the direction that is chosen there will be upset people. The plan we are moving forward with is a compromise of all the opinions we have heard from and a model we feel will be sustainable. Please continue to work together to help give our students the best experience we can during these challenging times. Below is the ONE10 Safe Learning Plan update that was recommended by the ONE10 Administration Team and approved by the ONE10 School Board. ([link to 1/11/21 school board meeting video](#))

As of today, The ISD ONE10 Safe Learning Plan will transition as follows:

The return to on campus learning will be phased in over the next two months. With the elementary schools returning first and allowing a month between each of the next two return to campus transitions dates.

E-5 Safe Learning Plan

- E-5 students will return to 5 days a week In-Person instruction on January 19, 2021
- The staff planning time for the transition will happen on January 15, 2021....No school for E-5 students on January 15th.

6-8 Safe Learning Plan

- Students will continue in the Distance Learning model and a target date for the return of 6-8 students to the Hybrid model is at the midpoint of the 3rd quarter, February 16, 2021
- If it is safe to return on 2/16/21, the staff planning time for the transition would happen on Friday, February 12, 2021 and there would be no school for grades 6-8 on that day.
- A plan to start-up or re-start student intramurals, clubs and fine arts activities in a safe way after the distance school day will be developed in conjunction with bus transportation options.
- Wednesdays will be utilized to work on-site with identified students and some special programs will operate on site during distance learning to support students most compromised by distance learning.

9-12 Safe Learning Plan

- Students will continue in the Distance Learning model and a target date for the return of 9-12 students to the Hybrid or In-Person model is March 16, 2021
- If it is safe to return on 3/15/21, the staff planning time for the transition would happen on March 15, 2021 right after spring break and there would be no school for high school students on that date.
- Activities will continue as allowed by the state
- Wednesday will continue to operate with a morning contact point and afternoon planning, with some students who need additional support on-site.

Waconia Learning Center Safe Learning Plan

- Students will continue in their hybrid learning model.

- Starting the week of January 19, 2021 the WLC will switch the distance learning day from Friday to Wednesday to create more opportunities for in-person credit recovery options
- Credit recovery will provide an in-person option for students that are able to meet in-person

Here are some of the influences for our recommendations:

- What did the parent, staff, and student survey data say and why
- What safety concerns are there when returning students and staff
- What staffing concerns are there if/when quarantines start happening and how does quarantines affect learning
- How will the startup of activities affect our need to quarantine (we are already experiencing quarantines and games being postponed due to Covid-19 cases and exposure.)
- Will there be another spike in Covid-19 cases due to the return to campus, activities starting and/or the new-more infectious virus strain (the new strain is in Carver Co.)
- How long before the Covid-19 vaccine is available for staff
- What is the effect of transitioning between learning models on students, staff, parents and student learning (trying to avoid the back and forth between models)
- A phase in by grade level will allow for us to monitor the impact on safety and learning
- How do we engage the learner, provide social interaction and care for students that struggle
- In Distance Learning we will continue to find ways to bring students with support needs on campus
- What age groups can be independent at home and accountable for their school work
- The 7-12 Hybrid only has about 40% of the students engaged in the classroom daily where Distance Learning has 100% receiving the lesson together at the same time
- Each time we transition there are planning days needed
- Is there a natural break in the academic schedule that supports a transition
- As of today, what is the safest model for all
- Overall what is best for student learning
- Decisions made with today's data can be adjusted as we have new data in the future

Thank you for your partnership in providing the best education possible for our students. We care so much for our ONE10 students. Please inform the building principals and/or counselors of any student struggles you are witnessing. Together we will get through this.

Thanks for your understanding and support.

WE Are ONE10!!

Stay safe and be well,

Pat Devine

Superintendent, ISD 110

9. BOARD COMMITTEE REPORTS

9.A. Self-Governance & Superintendent Relations
Committee

9.B. Leadership & District Service Committee

9.C. Finance & Facilities Committee

9.D. Policy & Advocacy Committee

9.E. Southwest Metro Intermediate District 288
Representative

9.F. Teaching & Learning Advisory Council
Representative

9.G. Community Education Advisory Council
Representative

9.H. MSHSL Representative

9.I. Technology Committee Representative

9.J. District 110 Foundation Representative

9.K. Schools for Equity in Education (SEE)
Representative

9.L. Carver County Elected Leaders Representative

9.M. City of Waconia Liaison

9.N. City of Minnetrista Liaison

9.O. City of Victoria Liaison

9.P. City of St. Bonifacius Liaison

9.Q. City of New Germany Liaison

10. ADJOURNMENT