

## Regular Meeting

Monday, April 24, 2023 7:00 PM

Waconia City Hall, 201 S Vine Street, Waconia, MN 55387

1. **CALL TO ORDER, ADOPTION OF AGENDA, and NOTATION OF MEMBERS IN ATTENDANCE, and PLEDGE OF ALLEGIANCE** **Presenter:** Chair Geller

2. **ANNOUNCEMENTS, ACKNOWLEDGMENTS, AND CORRESPONDENCE** **Presenter:** Chair Geller

2.A. Upcoming Meetings:

May 8 Policy Committee Meeting 6PM @ District Office Conf Rm B

May 8 Work Session 7PM @ District Office Conf Rm A

May 22 Finance Committee 6PM @ Waconia City Hall

May 22 Regular Meeting 7PM @ Waconia City Hall

3. **PUBLIC COMMENT**

4. **MINUTES OF PREVIOUS MEETING**

ISD 110 School Board  
Regular Meeting  
Monday, March 27, 2023 7:00 PM Central

Waconia City Hall  
201 S Vine Street  
Waconia, MN 55387

**1. CALL TO ORDER, ADOPTION OF AGENDA, and NOTATION OF MEMBERS IN ATTENDANCE, and PLEDGE OF ALLEGIANCE**

Call to order by Chair Geller at 7:00 PM

Motion by DeBoer to adopt agenda  
Myers second  
All in favor  
Motion carried

Members present: Geller, DeBoer, Myers, Bergstrom, Hagen, Amott, Kelzer-Breeden

Members absent: none

**2. ANNOUNCEMENTS, ACKNOWLEDGMENTS, AND CORRESPONDENCE**

2.A. Upcoming Meetings:

April 11 School Board Listening Session w/WEA 5pm @ District Office - Conf. Rm C

April 11 Policy Committee 6pm @ District Office - Conf. Rm B

April 11 Work Session 7pm @ District Office - Conf. Rm A

April 24 Finance Committee 6pm @ Waconia City Hall

April 24 School Board Regular Meeting 7pm @ Waconia City Hall

**3. PUBLIC COMMENT**

None

**4. MINUTES OF PREVIOUS MEETING**

Motion by DeBoer to approve minutes of the Feb 27 regular meeting  
Myers second  
All in favor  
Motion carried

**5. CONSENT AGENDA**

Motion by DeBoer to approve Consent Agenda  
Myers second  
All in favor  
Motion carried

5.A. Bills and Wire Transfers

5.B. Human Resource Items:

Employment

Remer, Jill Replacement	Educational Assistant (SPED) 3 Hours/Day; 175 Days	WEC
Schalow, Judith Replacement	Language Arts Teacher Long-Term Substitute	WHS
Stackowitz, Katherine Replacement	Educational Assistant (SPED) 6.5 Hours/Day; 175 Days	BV

#### Leaves of Absence

Bosch, Alan, Day Lead Custodian at SV  
 Hayes, Sue Ann, Educational Assistant (SPED) at SV  
 Kurtz, Roxanne, Assistant Head Cook at WHS  
 Mathwig, Daniel, Night Lead Custodian at WHS  
 Pierson, Carl, Social Studies Teacher at WHS

#### Retirements/Resignations/Terminations

Culver, Dean, Custodial Cleaner at SV  
 Froehlich, Jennifer, Special Education Manager at ESC  
 Stier, Griffith, English/Language Arts Teacher at WLC

#### 5.C. Receipts of Donation

### 6. REPORTS

#### 6.A. Student Representative Report

#### 6.B. Administrative Presentation

##### 6.B.1. Unified Basketball Tournament Host

#### 6.C. Finance Report

### 7. ACTION ITEMS

#### 7.A. Approve Administrative Recommendations for Adjustments in Curriculum, Programs, and Staffing for the 2023-2024 School Year

Original Motion by DeBoer to Approve Administrative Recommendations for Adjustments in Curriculum, Programs, and Staffing for the 2023-2024 School Year  
 Myers second

A second Motion by Kelzer-Breeden to Amend Proposed Elementary Adjustments and Remove Line Item 9 (Increase class sizes grade 5 (BV, SV))  
 Amott second

Ayes: Bergstrom, Kelzer-Breeden, Hagen, Amott  
Nays: Geller, DeBoer, Myers  
Motion approved by majority

A third Motion by Amott to Amend Proposed Secondary Adjustments and Remove Line Item 18 (Increase Student to Staff Ratio at WMS)  
No second to this Motion  
Motion Failed

Back to original Motion by DeBoer to Approve Administrative Recommendations for Adjustments in Curriculum, Programs, and Staffing for the 2023-2024 School Year with Removal of Line Item 9 from Proposed Elementary Adjustment  
Myers second

Ayes: Geller, DeBoer, Myers, Bergstrom, Hagen, Kelzer-Breeden  
Nays: Amott  
Motion approve by majority

#### 7.B. 2023 Employee Insurance Renewal

Motion by DeBoer to approve 2023 Employee Insurance Renewal  
Kelzer-Breeden second  
All in favor  
Motion carried

#### 7.C. Site Logic Contract

Motion by DeBoer to approve Site Logic Contract  
Myers second  
All in favor  
Motion carried

#### 7.D. Field Trip Proposal: Conservation Club

Motion by DeBoer to approve Field Trip Proposal for Conservation Club  
Myers second  
All in favor  
Motion carried

#### 7.E. Second Read Board Policies

Motion by Bergstrom to approve Second Read Board Policies  
Kelzer-Breeden second  
All in favor  
Motion carried

7.E.1. 613 Graduation Requirements

7.E.2. 401 Equal Employment Opportunity

7.E.3. 402 Disability Nondiscrimination

7.E.4. 412 Expense Reimbursement

7.E.5. 421 Gifts to Employees by School Board Members

7.E.6. 424 License Status

7.E.7. 425 Staff Development

## **8. DISCUSSION ITEMS**

### 8.A. First Read Board Policies

8.A.1. 616 School District System Accountability

8.A.2. 698 Teaching Controversial Topics

8.A.3. 404 Employment Background Checks

8.A.4. 406 Form: Consent to Release Data - Request from an Individual

8.A.5. 408 Subpoena of a School District Employee

8.A.6. 414 Mandated Reporting Child Neglect or Physical or Sexual Abuse

8.A.7. 419 Tobacco Free Environment

8.A.8. 420 Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

8.A.9. 423 Employee Student Relationships

8.A.10. 427 Workload Limits for Certain Special Education Teachers

8.A.11. 410 Family and Medical Leave Policy

8.A.12. 413 Form: Harassment and Violence Report Form

8.A.13. 415 Mandated Reporting of Maltreatment of Vulnerable Adults

8.A.14. 417 Chemical Use and Abuse

## **9. BOARD COMMITTEE REPORTS**

### 9.A. Self-Governance & Superintendent Relations Committee

Geller reported MDE has Conditionally Approved the District's SOD Plan

### 9.B. Finance & Facilities Committee

### 9.C. Policy & Advocacy Committee

### 9.D. District 110 Advisory Council

### 9.E. Schools for Equity in Education (SEE) Representative

### 9.F. Southwest Metro Intermediate District 288 Representative

Geller reported attending the budget presentation meeting, and opportunity for board members to tour SWMetro buildings later in the year

### 9.G. MSHSL Representative

9.H. Special Education Advisory Council

9.I. Community Education Advisory Council Representative

9.J. Teaching & Learning Advisory Council Representative

9.K. Chemical Abuse Advisory Council/HERO's

9.L. City of Waconia Liaison

**10. ADJOURNMENT**

Motion by DeBoer to adjourn

Kelzer-Breedon second

All in favor

Motion carried

Meeting adjourned at 7:59 PM

5. **CONSENT AGENDA**

**Presenter:** Chair  
Geller

5.A. Bills and Wire Transfers

**Presenter:** Ra Chhoth,  
Director of Finance  
and Operations

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	POST AMOUNT	MONTH
607808	AMAZON CAPITAL SERVICES	03/22/2023	R	7,775.82	March
607809	AMPION PBC	03/24/2023	R	8,343.73	March
607811	AVIBEN	03/24/2023	R	588.00	March
607812	BEACON ATHLETICS LLC	03/24/2023	R	617.00	March
607813	BELLE PLAINE FASTPITCH ASSOC	03/24/2023	R	350.00	March
607814	BIO-RAD LABORATORIES INC	03/24/2023	R	169.52	March
607815	BLICK ART MATERIALS	03/24/2023	R	332.65	March
607816	BSN SPORTS LLC	03/24/2023	R	2,784.78	March
607817	COREMARK METALS	03/24/2023	R	2,307.65	March
607818	COUGHLAN COMPANIES LLC	03/24/2023	R	344.02	March
607819	CUREMAN TRUCKING & REPAIR, INC	03/24/2023	R	37,475.00	March
607820	DANIELLE ALEXANDER DESIGN LLC	03/24/2023	R	300.00	March
607821	DIGITAL INS LLC	03/24/2023	R	1,600.00	March
607822	ENGLEHORN, ASHLYN	03/24/2023	R	80.00	March
607823	FEDEX FREIGHT	03/24/2023	R	342.96	March
607824	FOLLETT CONTENT SOLUTIONS LLC	03/24/2023	R	20.40	March
607825	HACKLER, JEFF	03/24/2023	R	40.00	March
607826	HAGEN, TESSA	03/24/2023	R	434.70	March
607827	HASTINGS CREAMERY LLC	03/24/2023	R	5,549.73	March
607828	HELEN SOLAR LLC	03/24/2023	R	3,000.29	March
607830	HILLYARD/HUTCHINSON	03/24/2023	R	2,464.07	March
607831	HOLTON ELECTRIC CONTRACTORS	03/24/2023	R	1,322.88	March
607832	HOPKINS FASTPITCH	03/24/2023	R	375.00	March
607833	IASCO	03/24/2023	R	1,109.87	March
607834	INDIANHEAD FS DISTRIBUTOR, INC	03/24/2023	R	10,721.60	March
607836	JOHNSON, DENNIS	03/24/2023	R	247.75	March
607838	KOPPI, WILLIAM	03/24/2023	R	300.00	March
607839	KROELLS, LINDA	03/24/2023	R	434.70	March
607841	LAS VEGAS TONIGHT, INC	03/24/2023	R	1,070.00	March
607842	LOFFLER COMPANIES	03/24/2023	R	510.91	March
607843	MACKENTHUN'S FINE FOODS	03/24/2023	R	2,395.69	March
607844	MCEA EXECUTIVE OFFICE	03/24/2023	R	159.00	March
607845	MEI TOTAL ELEVATOR SOLUTIONS	03/24/2023	R	717.46	March
607848	MN SAFETY COUNCIL	03/24/2023	R	46.00	March
607849	MN TRUE TEAM TRACK & FIELD	03/24/2023	R	190.00	March
607850	MRI SOFTWARE LLC	03/24/2023	R	668.00	March
607851	Mulcahy Co.	03/24/2023	R	5,578.00	March
607852	MUSIC MART	03/24/2023	R	2,120.71	March
607854	PAN-O-GOLD BAKING CO	03/24/2023	R	2,044.51	March
607855	PERFORMANCE FOODSERVICE	03/24/2023	R	1,031.78	March
607856	PICK A TIME	03/24/2023	R	120.00	March
607857	POWDER RIDGE SKI AREA	03/24/2023	R	4,407.00	March
607858	RENNEBERG HARDWOODS INC.	03/24/2023	R	1,567.00	March
607859	RIVER BOTTOM PRODUCTIONS LLC	03/24/2023	R	400.00	March
607860	SASC LLC	03/24/2023	R	4,170.93	March
607861	SCHOLASTIC BOOK FAIRS-15	03/24/2023	R	699.22	March
607862	SCHOOL SPECIALTY, LLC	03/24/2023	R	123.88	March
607863	SECURITY BANK & TRUST CO	03/24/2023	R	1,248.00	March
607864	SFM	03/24/2023	R	41,086.00	March
607865	Southwest/West Central Service	03/24/2023	R	175.00	March
607866	STAPLES ADVANTAGE	03/24/2023	R	225.53	March
607867	STEWART CRAFTS	03/24/2023	R	144.00	March
607868	TAYLOR HUBBARD PHOTOGRAPHY LLC	03/24/2023	R	350.00	March
607869	TINTES, MATTHEW	03/24/2023	R	551.00	March
607870	UHL CO	03/24/2023	R	6,442.00	March
607871	UNIVERSAL ATHLETIC LLC	03/24/2023	R	360.00	March

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
607872	QDOBA	03/29/2023	R	876.00	March
607873	EYE MED-FIDELITY SECURITY LIFE	03/31/2023	R	2,207.17	March
607874	MESSERLI & KRAMER PA	03/31/2023	R	268.78	March
607875	NCPERS GROUP LIFE INS	03/31/2023	R	96.00	March
607876	SCHOOL SERVICE EMPLOYEES	03/31/2023	R	1,460.32	March
607877	WACONIA EDUCATION ASSOCIATION	03/31/2023	R	13,099.00	March
607878	ADAMS, CLAYTON	03/31/2023	R	342.89	March
607879	AGL CONSULTING	03/31/2023	R	900.00	March
607880	AIM ELECTRONICS INC	03/31/2023	R	157.94	March
607882	BICKFORD, MAXWELL	03/31/2023	R	102.87	March
607883	BSN SPORTS LLC	03/31/2023	R	15,458.01	March
607884	BUTLER, BREVIN	03/31/2023	R	407.18	March
607885	CAPITAL ONE TRADE CREDIT	03/31/2023	R	148.40	March
607887	CATALYST SOURCING SOLUTIONS	03/31/2023	R	867.49	March
607888	CULINEX	03/31/2023	R	5,203.59	March
607889	DROEGER, AUSTIN	03/31/2023	R	480.04	March
607890	ECM PUBLISHERS, INC	03/31/2023	R	252.00	March
607891	GALLAGHER BASSETT SERVICES INC	03/31/2023	R	2,286.00	March
607892	GRAFFUNDER, JAMES	03/31/2023	R	603.83	March
607893	HETLEVEDT, BRADY	03/31/2023	R	387.26	March
607894	HILLYARD/HUTCHINSON	03/31/2023	R	2,849.14	March
607895	HLS OUTDOOR	03/31/2023	R	2,770.24	March
607896	HOPKINS SPORTS CAMPS LLC	03/31/2023	R	1,663.20	March
607897	IEA, INC	03/31/2023	R	1,666.49	March
607898	INGCO INT'L INC	03/31/2023	R	211.84	March
607899	JOHNSON, MATTHEW	03/31/2023	R	269.69	March
607900	JW PEPPER & SON, INC	03/31/2023	R	347.00	March
607902	KELZER, RYDER	03/31/2023	R	980.44	March
607904	KLEIN, LOGAN	03/31/2023	R	498.62	March
607906	KOCH SCHOOL BUS SERVICE, INC	03/31/2023	R	310,221.59	March
607907	LAKESHIRTS ZEPHYR LLC	03/31/2023	R	1,565.94	March
607908	LANO EQUIPMENT INC	03/31/2023	R	5.22	March
607909	MASOG, ADAM	03/31/2023	R	188.59	March
607910	METRO BASEBALL LEAGUE	03/31/2023	R	7,625.00	March
607911	MILLENDER, WILLIAM	03/31/2023	R	222.88	March
607912	MN DEPT OF HEALTH	03/31/2023	R	35.00	March
607913	MOUND WESTONKA HS	03/31/2023	R	966.29	March
607914	MUSIC MART	03/31/2023	R	375.64	March
607915	NAHAN, SHELLY	03/31/2023	R	268.00	March
607916	OSCARSON, GRANT	03/31/2023	R	257.16	March
607918	PARTY CRASHERS RC RACING	03/31/2023	R	342.00	March
607919	PERFORMANCE FOODSERVICE	03/31/2023	R	72.19	March
607920	PIESCHKE, LUKE	03/31/2023	R	197.16	March
607921	PLANSOURCE BENEFITS ADMIN INC	03/31/2023	R	2,982.75	March
607924	RODNING, ANDERS	03/31/2023	R	344.33	March
607925	SIDDONS, BRETT	03/31/2023	R	300.02	March
607926	STELICK, JACK	03/31/2023	R	94.29	March
607927	STEP SAVER, INC	03/31/2023	R	254.97	March
607929	SVEDARSKY, ARISTON	03/31/2023	R	342.89	March
607930	TERRAFORM PHOENIX II ARCADIA	03/31/2023	R	84.25	March
607931	THREE RIVERS PARK DISTRICT	03/31/2023	R	645.00	March
607932	TRIMARK MARLINN LLC	03/31/2023	R	141,600.38	March
607933	TRIO SUPPLY COMPANY	03/31/2023	R	902.32	March
607934	UHL CO	03/31/2023	R	4,597.00	March
607937	WORM, ALEX	03/31/2023	R	102.87	March
607939	KOCH SCHOOL BUS SERVICE, INC	03/31/2023	R	1,142.75	March

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
607940	21ST CENTURY SPORTS LLC	04/06/2023	R	6,236.00	April
607941	AMPION PBC	04/06/2023	R	7,568.22	April
607942	AVIBEN	04/06/2023	R	250.04	April
607943	BSN SPORTS LLC	04/06/2023	R	1,039.25	April
607944	BURTON, SARA	04/06/2023	R	536.50	April
607945	CANON FINANCIAL SERVICES INC	04/06/2023	R	890.18	April
607946	CDW GOVERNMENT	04/06/2023	R	185.00	April
607947	CMERDC	04/06/2023	R	34,297.20	April
607948	COLONY PLAZA, INC	04/06/2023	R	45.75	April
607949	CONTINENTAL CLAY COMPANY	04/06/2023	R	230.95	April
607950	EAU CLAIRE JAZZ INC	04/06/2023	R	2,197.50	April
607951	FITZHARRIS SPORTS	04/06/2023	R	511.00	April
607952	FLIPSIDE PRODUCTS, INC	04/06/2023	R	29.44	April
607953	GK2 PROMOTIONS	04/06/2023	R	353.08	April
607954	HIGH POINT NETWORKS, LLC	04/06/2023	R	1,838.08	April
607955	HOLTON ELECTRIC CONTRACTORS	04/06/2023	R	187.30	April
607956	IMAGINE DESIGN & CREATIVE CONS	04/06/2023	R	6,000.00	April
607957	INDIANHEAD FS DISTRIBUTOR, INC	04/06/2023	R	22,512.51	April
607958	INFINITE HEALTH COLLABORATIVE	04/06/2023	R	25,000.00	April
607959	ISLAND VIEW GOLF CLUB	04/06/2023	R	495.00	April
607960	JONES SCHOOL SUPPLY	04/06/2023	R	20.26	April
607961	JOSTENS	04/06/2023	R	128.45	April
607962	LAKETOWN GYMNASTICS	04/06/2023	R	565.00	April
607963	LANO EQUIPMENT INC	04/06/2023	R	172.00	April
607964	METRONET	04/06/2023	R	1,870.71	April
607965	MINI BIFF LLC	04/06/2023	R	114.24	April
607966	MINNEAPOLIS ATHENA AWARDS	04/06/2023	R	405.00	April
607967	MUSIC MART	04/06/2023	R	314.00	April
607968	PARTS CITY WACONIA	04/06/2023	R	19.97	April
607969	PERFORMANCE FOODSERVICE	04/06/2023	R	1,499.39	April
607970	PICK A TIME	04/06/2023	R	12.60	April
607971	RENNEBERG HARDWOODS INC.	04/06/2023	R	4,340.91	April
607972	REPUBLIC SERVICES	04/06/2023	R	1,369.55	April
607973	RIDDELL ALL AMERICAN SPORTS CO	04/06/2023	R	5,890.95	April
607975	SORENSEN, PATTY	04/06/2023	R	536.50	April
607976	SOUTHWEST METRO INTERMEDIATE D	04/06/2023	R	7,015.81	April
607977	SUPER DUPER PUBLICATIONS	04/06/2023	R	57.95	April
607978	TITAN ENERGY SYSTEMS INC	04/06/2023	R	5,125.54	April
607979	TRIO SUPPLY COMPANY	04/06/2023	R	966.36	April
607980	TWIN CITIES SOCCER LEAGUES	04/06/2023	R	4,740.00	April
607981	UHL CO	04/06/2023	R	3,263.76	April
607982	UNIVERSAL ATHLETIC LLC	04/06/2023	R	3,350.00	April
607983	WACONIA EDUCATION ASSOCIATION	04/14/2023	R	13,099.00	April
607984	AFFINETY SOLUTIONS, INC	04/14/2023	R	710.00	April
607985	AIRGAS USA LLC	04/14/2023	R	484.93	April
607986	BIFFS, INC	04/14/2023	R	200.00	April
607987	CITY OF WACONIA	04/14/2023	R	17,615.51	April
607988	CITY OF ST BONIFACIUS	04/14/2023	R	650.00	April
607989	CULLIGAN BOTTLED WATER	04/14/2023	R	254.85	April
607990	CURFMAN TRUCKING & REPAIR, INC	04/14/2023	R	954.92	April
607991	DAMBERGER, DONALD	04/14/2023	R	29.00	April
607992	DOORWAY TO COLLEGE FOUNDATION	04/14/2023	R	1,680.00	April
607993	FASTSIGNS	04/14/2023	R	113.48	April
607994	GRAINGER	04/14/2023	R	533.61	April
607995	H&B SPECIALIZED PRODUCTS	04/14/2023	R	291.34	April
607996	HAGEN, TESSA	04/14/2023	R	396.90	April

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	POST AMOUNT	MONTH
607997	HELEN SOLAR LLC	04/14/2023	R	4,731.94	April
607998	HOLTON ELECTRIC CONTRACTORS	04/14/2023	R	2,164.56	April
607999	INDIANHEAD FS DISTRIBUTOR, INC	04/14/2023	R	22,899.34	April
608000	INNOVATIVE OFFICE SOLUTIONS LL	04/14/2023	R	61.83	April
608001	JW PEPPER & SON, INC	04/14/2023	R	269.99	April
608002	KING, LAURA	04/14/2023	R	29.00	April
608003	KLEIN, DAN	04/14/2023	R	21.00	April
608004	KROELLS, LINDA	04/14/2023	R	396.90	April
608005	LAKEVIEW CLINIC	04/14/2023	R	150.46	April
608006	LOFFLER COMPANIES	04/14/2023	R	2,776.69	April
608007	MAD HATTER WELLNESS	04/14/2023	R	50.00	April
608008	MARJALA, JESSICA	04/14/2023	R	29.00	April
608009	MID-COUNTY CO-OP	04/14/2023	R	55.40	April
608010	PARTS CITY WACONIA	04/14/2023	R	251.19	April
608011	PERFORMANCE FOODSERVICE	04/14/2023	R	2,593.00	April
608012	PERNSTEINER CREATIVE GROUP, IN	04/14/2023	R	325.00	April
608013	SAULSBURY, JAKE	04/14/2023	R	28.00	April
608014	SAULSBURY, MARIA	04/14/2023	R	28.00	April
608015	SCHMITT MUSIC	04/14/2023	R	40.48	April
608016	ST JOSEPH CATHOLIC SCHOOL	04/14/2023	R	22,123.27	April
608017	STEP SAVER, INC	04/14/2023	R	206.25	April
608018	TINTES, MATTHEW	04/14/2023	R	464.00	April
608019	UNIVERSAL ATHLETIC LLC	04/14/2023	R	1,349.33	April
608020	WEX BANK	04/14/2023	R	530.35	April
608021	WINSTED SOLAR LLC	04/14/2023	R	9,903.15	April
608022	AMAZON CAPITAL SERVICES	04/14/2023	R	6,627.12	April
202200886	EDUCATIONAL SUPPORT PARA UNION	03/15/2023	W	1,224.76	March
202200888	LIFE INS CO OF NORTH AMERICA	03/15/2023	W	4,076.55	March
202200894	ONEBRIDGE BENEFITS, INC.	03/15/2023	W	5,547.95	March
202200974	EDUCATIONAL SUPPORT PARA UNION	03/31/2023	W	1,224.76	March
202200975	INTERNAL REVENUE SERVICE	03/31/2023	W	284,747.56	March
202200976	LIFE INS CO OF NORTH AMERICA	03/31/2023	W	7,415.01	March
202200977	MN CHILD SUPPORT PYMT CENTER	03/31/2023	W	112.50	March
202200978	MN DEPT OF REVENUE	03/31/2023	W	45,434.88	March
202200979	MN TEACHERS RETIREMENT ASSN	03/31/2023	W	157,937.35	March
202200980	PERA	03/31/2023	W	44,273.99	March
202200981	AVIBEN	03/31/2023	W	65,342.48	March
202200982	ONEBRIDGE BENEFITS, INC.	03/31/2023	W	5,533.31	March
202200983	HYATT REGENCY MINNEAPOLIS	04/10/2023	W	738.88	April
202200984	SIGN GYPSIES	04/10/2023	W	71.25	April
202200985	MAILCHIMP	04/10/2023	W	265.00	April
202200986	ALDI	04/10/2023	W	712.25	April
202200991	TARGET BANK	04/10/2023	W	435.42	April
202200995	ATLEE BURPEE COMPANY	04/10/2023	W	702.63	April
202200996	DOMINO'S PIZZA	04/10/2023	W	125.41	April
202200997	SAFE FOOD TRAINING	04/10/2023	W	75.00	April
202201003	4IMPRINT, INC	04/10/2023	W	495.00	April
202201004	REPUBLIC SERVICES	04/10/2023	W	262.88	April
202201005	FLY OVER AMERICA	04/10/2023	W	170.81	April
202201006	MN SWIM COACHES ASSOC	04/10/2023	W	225.00	April
202201008	LA QUINTA INN & SUITES	04/10/2023	W	5,760.00	April
202201009	MN VALLEY ELECTRIC CORP	04/10/2023	W	24,305.76	April
202201010	DICK'S SPORTING GOODS	04/10/2023	W	1,151.90	April
202201011	TWIN CITIES SOCCER LEAGUES	04/10/2023	W	966.00	April
202201012	MN CHILDREN'S MUSEUM	04/10/2023	W	507.00	April
202201014	LAZY LOON LANES LLC	04/10/2023	W	225.00	April

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
202201015	Network Solutions	04/10/2023	W	71.97	April
202201016	INTERCONTINENTAL HOTELS/RESORT	04/10/2023	W	4,032.18	April
202201018	DOLLAR TREE	04/10/2023	W	76.38	April
202201019	WHITE BEAR AREA FASTPITCH SB A	04/10/2023	W	414.50	April
202201021	FLINN SCIENTIFIC	04/10/2023	W	12.07	April
202201024	ZIMMERMAN GIRLS FASTPITCH ASSO	04/10/2023	W	413.50	April
202201025	FARMINGTON FASTPITCH ASSOC.	04/10/2023	W	825.92	April
202201026	PARK N GO	04/10/2023	W	51.49	April
202201027	DELTA AIRLINES	04/10/2023	W	426.80	April
202201028	ALLIANZ	04/10/2023	W	32.01	April
202201029	THREE RIVERS PARK DISTRICT	04/10/2023	W	712.50	April
202201030	GUTHRIE THEATER	04/10/2023	W	2,441.00	April
202201032	SAFARI ISLAND COMMUNITY CENTER	04/10/2023	W	65.00	April
202201039	GODADDY.COM	04/10/2023	W	40.34	April
202201040	MY APPLIANCE SOURCE	04/10/2023	W	109.00	April
202201041	MARRIOTT HOTELS	04/10/2023	W	1,280.90	April
202201042	T-MOBILE	03/03/2023	W	780.00	March
202201043	AT&T MOBILITY	03/06/2023	W	388.36	March
202201044	CENTERPOINT ENERGY	03/27/2023	W	173,109.48	March
202201045	QUADIENT FINANCE USA, INC	03/24/2023	W	500.00	March
202201046	XCEL ENERGY	03/30/2023	W	2,220.19	March
202201047	SPRINT WIRELESS	03/24/2023	W	503.56	March
202201049	SECURITY BANK & TRUST CO	03/31/2023	W	198.75	March
202201050	PMA ASSET MANAGEMENT, LLC	03/31/2023	W	20.83	March
202201051	BRI Parent, Inc	03/31/2023	W	279.50	March
202201052	ONEBRIDGE BENEFITS, INC.	03/31/2023	W	1,016.00	March
202201053	AUTHORIZE.NET	03/02/2023	W	220.00	March
202201054	AFFINETY SOLUTIONS, INC	03/10/2023	W	18,292.30	March
202201058	INTERNAL REVENUE SERVICE	04/14/2023	W	304,798.27	April
202201060	MN CHILD SUPPORT PYMT CENTER	04/14/2023	W	112.50	April
202201061	MN DEPT OF REVENUE	04/14/2023	W	48,407.44	April
202201062	MN TEACHERS RETIREMENT ASSN	04/14/2023	W	163,639.30	April
202201063	PERA	04/14/2023	W	53,015.58	April
202201064	AVIBEN	04/14/2023	W	66,679.98	April
222300112	OVERBY, MARY	03/31/2023	A	129.30	March
222300113	VAN EYLL, TONI	03/31/2023	A	130.35	March
222300114	VANDERLINDE, LEE	03/31/2023	A	150.00	March
222300115	BOSCH, ALAN	04/06/2023	A	277.95	April
222300116	DELANEY, DAVID	04/06/2023	A	133.69	April
222300117	MUELLER, RYAN	04/06/2023	A	139.26	April

Totals for checks 2,474,146.83

FUND SUMMARY

<u>FUND</u>	<u>DESCRIPTION</u>	<u>BALANCE SHEET</u>	<u>REVENUE</u>	<u>EXPENSE</u>	<u>TOTAL</u>
01	General	1,199,866.77	0.00	813,490.88	2,013,357.65
02	Food Service	34,811.58	0.00	257,764.26	292,575.84
04	Community Service	55,076.09	0.00	113,116.42	168,192.51
45	OPEB Irrevocable Trust Fund	0.00	0.00	20.83	20.83
***	Fund Summary Totals ***	1,289,754.44	0.00	1,184,392.39	2,474,146.83

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

5.B. Human Resource Items:

**Presenter:** Dr. Enid  
Schonewise, Director  
of Human Resources

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

**BOARD OF EDUCATION**

Regular Meeting – April 24, 2023

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

**AGENDA ITEM:** Human Resources Recommendations

**ITEM ADDED BY:** Dr. Enid Schonewise, Director of Human Resources

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**Employment**

**Employee Status Changes**

**Leaves of Absence**

**Bohanon, Ann**, Administrative Assistant III at BV

**Burdick, Jessica**, Special Education Teacher at LT

**Butler, Laura**, Occupational Therapist at WMS

**Gustafson, Stacy**, Kindergarten Teacher at LT

**Haley, Brooke**, Grade 2 Teacher at SV

**Karnes, Ben**, Security Monitor at WHS

**Melius, Michele**, Social Studies Teacher at WMS

**Watts, Susan**, Educational Assistant at LT

**Extended Leave of Absence per Minnesota Statute Section 122A.46**

**Retirements/Resignations/Terminations**

**Albee, Ruth**, Special Education Teacher at WHS

**Backes, Michelle**, Educational Assistant at WMS

**Birkholz, Elissa**, Educational Assistant at LT

**Czaplewski, Brityn**, School Psychologist at WMS

**Glime, Abigail**, Special Education Teacher at WMS  
**Hill, Jacqueline**, Custodial Cleaner at WMS  
**Holm, Kelli**, Educational Assistant at SV  
**Jacobs, Elizabeth**, Media Assistant at LT  
**Jeska, Jeff**, Director of Technology at ESC  
**Johnson, Sandra**, Educational Assistant at SV  
**Keogh, Katie**, Language Arts Teacher at WHS  
**Klitzke, Sarah**, Interim Director of Teaching at Learning at ESC  
**Koschinska, Tim**, Teaching & Learning Manager at ESC  
**Kurtz, Roxanne**, Assistant Head Cook at WHS  
**Larson, Mandi**, Health Associate at WMS and LT  
**Linsley, Sara**, Early Childhood Program Supervisor at Comm Ed  
**Muhlenbruch, Taylor**, Educational Assistant at SV  
**Peterson, Ashley**, Educational Assistant at BV  
**Pieper, Eli**, Custodial Maintenance at WMS  
**Poulin, Jack**, Custodial Cleaner at WMS  
**Puhl, Heidi**, Media Assistant at WHS  
**Treberg, Kristin**, Grade 4 Teacher at LT

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

5.C. Resolution for Non-Renewal of Probationary  
Teaching Contracts

**Presenter:** Dr. Enid  
Schonewise, Director  
of Human Resources

**Waconia Public Schools  
Resolution Nonrenewing Probationary Teachers**

\_\_\_\_\_ introduced the following resolution and moved its adoption:

WHEREAS, **Ashley Clemenson, Hannah Durkin, Alyssa Gilbertson, Tatum Johnson, Julie Kendrick, Lucas Larson, Addie Mease, Bailey McKellip, Allisen Merrill, Kathleen Nelson, Sarah Norton, Emily Pedretti, Aleasha Radzom, Lindsay Steding, Jessica Stockstead, Alissa Strack, Mackenzie Vogelgesang, Matthew Young** are probationary teachers in Independent District No. 110.

BE IT RESOLVED, by the School Board of Independent District No. 110, that pursuant to Minn. Stat. 122A.40, subd. 5 and the District Master Agreement, the teaching contracts of **Ashley Clemenson, Hannah Durkin, Alyssa Gilbertson, Tatum Johnson, Julie Kendrick, Lucas Larson, Addie Mease, Bailey McKellip, Allisen Merrill, Kathleen Nelson, Sarah Norton, Emily Pedretti, Aleasha Radzom, Lindsay Steding, Jessica Stockstead, Alissa Strack, Mackenzie Vogelgesang, Matthew Young**, probationary teachers in Independent District No. 110, shall be nonrenewed at the end of the 2022 -2023 school year.

BE IT FURTHER RESOLVED, that written notice be sent to said teachers regarding the nonrenewal of their teaching contracts.

The motion for the adoption of the preceding resolution was duly seconded by

\_\_\_\_\_ and upon vote being taken thereon,

The following voted in favor thereof,

\_\_\_\_\_

The following voted against the same:

\_\_\_\_\_

Whereupon said resolution was declared duly passed and adopted on \_\_\_\_\_.

5.D. Resolution Non-renewing Tier 1 and Tier 2  
Teachers

**Presenter:** Dr Enid  
Schonewise, Director  
of Human Resources

**Waconia Public Schools**

**Resolution Non-renewing a Tier 1 and a Tier 2 Teacher**

\_\_\_\_\_ introduced the following resolution and moved its adoption:

WHEREAS, **Bryan McCallum** is a Tier 1 teacher in Independent District No. 110, and **Emily Anderson** is a Tier 2 teacher in Independent District No. 110.

BE IT RESOLVED, by the School Board of Independent District No. 110, that the teaching contracts of **Bryan McCallum**, a Tier 1 teacher, and **Emily Anderson**, a Tier 2 teacher shall be nonrenewed at the end of the 2022-2023 school year; and

BE IT FURTHER RESOLVED, that a written notice be sent to said teachers regarding the nonrenewal of the teacher's teaching contracts.

The motion for the adoption of the preceding resolution was duly seconded by

\_\_\_\_\_ and upon vote being taken thereon,

The following voted in favor thereof,

The following voted against the same:

Whereupon said resolution was declared duly passed and adopted on April 24, 2023.

5.E. Receipts of Donation

**Presenter:** Ra Chhoth,  
Director of Finance &  
Operations

6. **REPORTS**

6.A. Student Representative Report

**Presenter:** Stella  
Atkinson and Sam  
Stanton

6.B. Administrative Presentation: Community  
Education

**Presenter:** Steven  
Jensen, Director of  
Community Education



# Waconia Kids' Company

Caring for the children and families of our community



# A Little History

- ★ **Waconia community education has been offering a childcare option for over 25 years**
- ★ **We provide care for children from 3 years old through 5th grade**
- ★ **Kids' Company has 4 school year locations. One at each elementary and our early childhood location**
- ★ **We offer a robust summer program that rotates through the elementary schools**
- ★ **Our program has tripled in size over the past 20 year**



# Points of Interest

- ★ **Our registration process**
  - Occurs January and early February for the upcoming summer and following school year
  - Families that hold contracts get the first opportunity to register before it opens to the general public
- ★ **We have 37 staff with 8 of them being full time**
- ★ **We employ many community teenagers with their first job**
- ★ **Our numbers have rebounded since COVID. We currently have 322 children registered for our summer program**



# Summer 2023



- ★ **Summer program will be at Bayview**
- ★ **Summer theme**
  - Neverland
- ★ **Children are able to attend summer school along with other community education classes and camps**
- ★ **Reading program**



# Summer At-a-Glance

- ★ **Activity Calendar**
  - [2023 Summer Calendar](#)
- ★ [Daily Schedule](#)



6.C. Finance Report

**Presenter:** Ra Chhoth,  
Director of Finance  
and Operations

# WACONIA PUBLIC SCHOOLS

## ENROLLMENT ANALYSIS

Fiscal Year 22-23

MONTHS REPORTED: 8

### REGULAR ED

BEG OF MONTH	REG K	HD-K	EC	PRE-K	HK	TOTAL K	GR 1	GR 2	GR 3	GR 4	GR 5	GR 6	GR 7	GR 8	GR 9	GR 10	GR 11	GR 12	TOTALS
SEP	210		64		35	245	294	284	290	265	319	313	340	300	350	336	361	336	4,097
OCT	201		79		41	242	291	279	287	267	313	310	336	297	347	335	351	332	4,066
NOV	202		80		41	243	294	278	289	266	313	309	339	296	346	335	351	333	4,072
DEC	200		89		42	242	294	278	288	267	313	308	337	297	348	332	351	338	4,082
JAN	201		96		42	243	292	278	288	266	313	309	337	298	344	331	350	340	4,085
FEB	196		104		45	241	291	277	288	264	312	308	336	297	346	330	349	339	4,082
MAR	193		101		48	241	291	279	288	264	311	308	335	298	345	329	349	339	4,078
APR	191		113		50	241	291	277	287	262	311	308	335	298	348	332	349	335	4,087
MAY																			
TOTALS	1,594	-	726	-	344	1,938	2,338	2,230	2,305	2,121	2,505	2,473	2,695	2,381	2,774	2,660	2,811	2,692	32,649
AVERAGE	199.3	-	90.8	-	43.0	242.3	292.3	278.8	288.1	265.1	313.1	309.1	336.9	297.6	346.8	332.5	351.4	336.5	4,081.1
EXTENDED TIME	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TUITION - OUT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ALC																			
MONTH	REG K	HD-K	EC	PRE-K	HK	TOTAL K	Gr. 1	Gr. 2	Gr. 3	Gr. 4	Gr. 5	Gr. 6	Gr. 7	Gr. 8	Gr. 9	Gr.10	Gr. 11	Gr. 12	TOTALS
SEP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7.00	19.00	26.00
OCT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.00	19.00	27.00
NOV	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9.00	17.00	26.00
DEC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2.00	9.00	15.00	26.00
JAN	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3.00	10.00	13.00	26.00
FEB	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.00	11.00	16.00	31.00
MAR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.00	11.00	18.00	33.00
APR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3.00	10.00	20.00	33.00
MAY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
JUN	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTALS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16.00	75.00	137.00	228.00
AVERAGE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.9	9.3	16.7	27.9
SEAT COUNT TO	100%	100%	35%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	96%
ALC ADJUSTED	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.9	9.3	16.7	27.9
AVG TOTALS	199.3	-	31.8	-	43.0	242.3	292.3	278.8	288.1	265.1	313.1	309.1	336.9	297.6	346.8	334.4	360.7	353.2	4,050.0

EL	
-	CURRENT YEAR ESTIMATE
-	PRIOR YEAR

# REVENUE & EXPENDITURE SUMMARY BY SOURCE, OBJECT SERIES & PROGRAM SERIES

WACONIA | March 31, 2023

REVENUE CATEGORIES						March 31, 2023	March 31, 2022	March 31, 2021				
	June 30, 2021	June 30, 2022	Adopted Budget	Projected End Of Year	Received YTD	Budget Remaining	% of Budget Received	% of Actuals Received	% of Actuals Received	Current YTD vs. PYTD	March 31, 2022	March 31, 2021
STATE	38,867,352	40,345,099	40,283,293	39,879,797	25,301,889	14,981,404	62.81%	59.97%	63.35%	1,106,010	24,195,879	24,620,720
FEDERAL	2,073,894	1,700,285	1,041,247	1,384,687	649,479	391,768	62.38%	12.34%	69.11%	439,637	209,842	1,433,226
PROPERTY TAXES	7,225,981	8,137,678	9,684,690	10,532,151	5,943,281	3,741,409	61.37%	68.70%	46.16%	352,463	5,590,817	3,335,545
LOCAL SALES, INS RECOVERY & JUDGEMENTS	9,456	324,630	0	0	0	0	0.00%	100.00%	116.38%	(324,630)	324,630	11,004
SALE OF BONDS & LOANS	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
INCOMING TRANSFERS FROM OTH FUNDS	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
LOCAL (FEES, INTEREST, ETC.)	916,025	1,343,135	1,320,953	953,339	614,925	706,028	46.55%	65.35%	63.99%	(262,830)	877,755	586,147
<b>TOTALS</b>	<b>49,092,708</b>	<b>51,850,827</b>	<b>52,330,183</b>	<b>52,749,973</b>	<b>32,509,574</b>	<b>19,820,609</b>	<b>62.12%</b>	<b>60.17%</b>	<b>61.08%</b>	<b>1,310,650</b>	<b>31,198,924</b>	<b>29,986,643</b>

EXPENDITURES (OBJECT SERIES)						March 31, 2023	March 31, 2022	March 31, 2021				
	June 30, 2021	June 30, 2022	Adopted Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	Current YTD vs. PYTD	March 31, 2022	March 31, 2021
SALARIES & WAGES	27,567,826	29,139,361	30,316,238	30,370,602	18,944,400	11,371,838	62.49%	60.98%	62.20%	1,175,223	17,769,177	17,148,347
EMPLOYEE BENEFITS	10,690,251	11,125,828	12,073,288	11,866,784	7,519,166	4,554,122	62.28%	64.03%	65.26%	395,261	7,123,905	6,976,569
PURCHASED SERVICES	5,875,417	7,238,541	7,401,448	7,225,296	4,786,043	2,615,405	64.66%	64.64%	58.80%	107,077	4,678,965	3,454,696
SUPPLIES	1,976,695	2,370,587	2,147,388	1,893,563	1,316,794	830,594	61.32%	63.98%	69.18%	(199,830)	1,516,624	1,367,426
EQUIPMENT	1,192,150	1,213,965	1,284,743	1,091,085	953,174	331,569	74.19%	82.10%	92.31%	(43,433)	996,607	1,100,436
DEBT SERVICE	205,445	120,056	122,287	113,682	95,137	27,150	77.80%	96.87%	67.33%	(21,164)	116,301	138,331
OTHER EXPENDITURES	269,862	150,965	299,761	293,286	124,585	175,176	41.56%	62.98%	39.88%	29,510	95,075	107,630
OTHER FINANCING USES	61,960	62,920	63,000	63,000	0	63,000	0.00%	0.00%	0.00%	0	0	0
<b>TOTALS</b>	<b>47,839,606</b>	<b>51,422,224</b>	<b>53,708,153</b>	<b>52,917,297</b>	<b>33,739,298</b>	<b>19,968,855</b>	<b>62.82%</b>	<b>62.81%</b>	<b>63.32%</b>	<b>1,442,643</b>	<b>32,296,655</b>	<b>30,293,436</b>

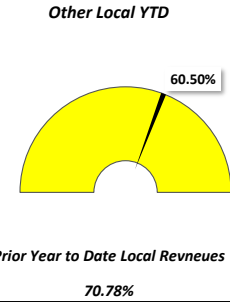
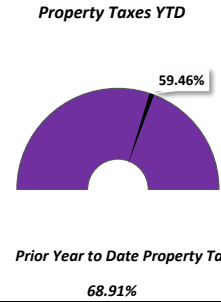
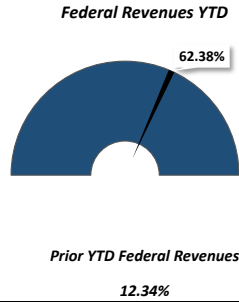
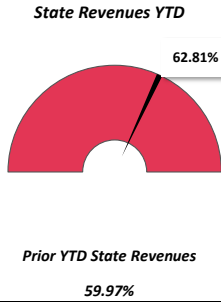
EXPENDITURES (PROGRAM SERIES)						March 31, 2023	March 31, 2022	March 31, 2021				
	June 30, 2021	June 30, 2022	Adopted Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	Current YTD vs. PYTD	March 31, 2022	March 31, 2021
SITE ADMINISTRATION	1,061,869	1,026,709	1,210,415	1,178,857	784,095	426,320	64.78%	73.79%	70.68%	26,443	757,652	750,536
DISTRICT ADMINISTRATION	380,640	483,475	597,101	491,778	313,343	283,758	52.48%	58.35%	68.39%	31,241	282,102	260,328
SUPPORT SERVICES	1,814,086	1,927,332	2,107,508	2,038,698	1,437,514	669,994	68.21%	70.70%	76.16%	74,895	1,362,619	1,381,523
REGULAR INSTRUCTION	20,228,608	21,143,739	21,649,424	21,586,079	13,213,112	8,436,312	61.03%	58.67%	59.56%	808,301	12,404,811	12,047,342
EXTRA-CURRICULAR ACTIVITES	1,357,464	2,084,503	1,856,567	1,580,298	1,036,680	819,887	55.84%	54.44%	46.26%	(98,035)	1,134,716	627,993
VOCATIONAL INSTRUCTION	584,005	457,850	552,670	525,770	300,318	252,352	54.34%	59.27%	59.00%	28,961	271,357	344,555
SPECIAL EDUCATION	9,810,623	10,227,982	10,975,866	11,177,447	6,683,575	4,292,291	60.89%	57.12%	58.04%	841,622	5,841,953	5,693,900
COMMUNITY SERVICES	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
INSTRUCTIONAL SUPPORT	3,098,230	3,806,134	3,816,979	3,612,738	2,463,435	1,353,544	64.54%	71.99%	72.44%	(276,417)	2,739,852	2,244,430
PUPIL SUPPORT SERVICES	3,796,083	4,310,384	4,960,528	4,715,033	3,070,137	1,890,391	61.89%	67.33%	61.10%	168,079	2,902,058	2,319,260
FACILITIES	5,278,542	5,588,880	5,382,095	5,461,288	3,951,852	1,430,243	73.43%	73.77%	77.71%	(171,333)	4,123,185	4,101,775
OTHER FINANCING USES	429,456	365,236	599,000	549,310	485,238	113,762	81.01%	130.42%	121.50%	8,888	476,350	521,794
<b>TOTALS</b>	<b>47,839,606</b>	<b>51,422,224</b>	<b>53,708,153</b>	<b>52,917,297</b>	<b>33,739,298</b>	<b>19,968,855</b>	<b>62.82%</b>	<b>62.81%</b>	<b>63.32%</b>	<b>1,442,643</b>	<b>32,296,655</b>	<b>30,293,436</b>

# REVENUE & EXPENDITURE SUMMARY BY SOURCE, OBJECT SERIES & PROGRAM SERIES

WACONIA | March 31, 2023

ACTIVITY - OTHER FUNDS										March 31,	March 31,	March 31,			
	June 30, 2021	June 30, 2022	Adopted Budget	Projected End Of Year	Received YTD	Budget Remaining	% of Budget Received	% of Actuals Received	% of Actuals Received	2023	2022	2021	Current YTD vs. PYTD	March 31, 2022	March 31, 2021
<b>REVENUE</b>															
FOOD SERVICE	3,131,241	4,529,928	4,714,950	2,656,233	602,264	4,112,686	12.77%	62.34%	100.79%				(2,221,725)	2,823,988	3,156,046
COMMUNITY EDUCATION	2,757,648	3,446,410	3,569,602	3,680,707	2,843,063	726,539	79.65%	76.98%	73.50%				190,093	2,652,970	2,026,950
CONSTRUCTION	24,033	0	0	0	0	0	0.00%	0.00%	100.00%				0	0	24,033
DEBT SERVICE	9,464,153	9,634,971	9,724,523	8,875,157	4,531,329	5,193,194	46.60%	46.29%	61.95%				70,928	4,460,401	5,862,675
TRUST	9,049	5,547	9,500	6,101	4,000	5,500	42.11%	64.35%	58.41%				430	3,570	5,286
CUSTODIAL	0	0	0	0	0	0	0.00%	0.00%	0.00%				0	0	0
INTERNAL SERVICE	370,835	414,642	425,500	423,593	344,862	80,638	81.05%	74.65%	74.80%				35,353	309,510	277,381
OPEB REVOCABLE TRUST	0	0	0	0	0	0	0.00%	0.00%	0.00%				0	0	0
OPEB IRREVOCABLE TRUST	52,573	(52,577)	209,000	237,907	48,292	160,708	23.11%	-34.66%	14.77%				30,067	18,226	7,767
OPEB DEBT SERVICE	248	0	0	0	0	0	0.00%	0.00%	85.46%				0	0	212
<b>TOTALS</b>	<b>15,809,780</b>	<b>17,978,922</b>	<b>18,653,075</b>	<b>15,879,699</b>	<b>8,373,810</b>	<b>10,279,265</b>	<b>44.89%</b>	<b>57.12%</b>	<b>71.86%</b>				<b>(1,894,854)</b>	<b>10,268,664</b>	<b>11,360,349</b>
EXPENDITURES										March 31,	March 31,	March 31,			
	June 30, 2021	June 30, 2022	Adopted Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	2023	2022	2021	Current YTD vs. PYTD	March 31, 2022	March 31, 2021
<b>EXPENDITURES</b>															
FOOD SERVICE	2,195,386	2,769,635	3,300,837	3,414,047	2,352,844	947,993	71.28%	66.48%	61.38%				511,502	1,841,342	1,347,431
COMMUNITY EDUCATION	2,756,700	3,048,544	3,259,757	3,163,164	2,138,337	1,121,420	65.60%	68.12%	67.45%				61,794	2,076,543	1,859,428
CONSTRUCTION	(0)	0	0	0	0	0	0.00%	0.00%	100.00%				0	0	(0)
DEBT SERVICE	9,154,756	9,363,331	9,527,369	8,032,229	9,411,981	115,388	98.79%	100.00%	100.00%				48,650	9,363,331	9,154,756
TRUST	92,142	7,950	9,500	10,569	4,500	5,000	47.37%	75.47%	7.53%				(1,500)	6,000	6,943
CUSTODIAL	0	0	0	0	0	0	0.00%	0.00%	0.00%				0	0	0
INTERNAL SERVICE	420,816	449,231	453,500	603,067	470,103	(16,603)	103.66%	75.65%	80.44%				130,254	339,848	338,497
OPEB REVOCABLE TRUST	0	0	0	0	0	0	0.00%	0.00%	0.00%				0	0	0
OPEB IRREVOCABLE TRUST	291,426	232,432	367,500	138,426	1,503	365,997	0.41%	0.73%	0.06%				(184)	1,687	187
OPEB DEBT SERVICE	73,957	0	0	0	0	0	0.00%	0.00%	0.00%				0	0	0
<b>TOTALS</b>	<b>14,985,183</b>	<b>15,871,123</b>	<b>16,918,463</b>	<b>15,361,503</b>	<b>14,379,268</b>	<b>2,539,195</b>	<b>84.99%</b>	<b>85.87%</b>	<b>84.80%</b>				<b>750,516</b>	<b>13,628,752</b>	<b>12,707,242</b>
SUMMARY - ALL FUNDS										March 31,	March 31,	March 31,			
	June 30, 2021	June 30, 2022	Adopted Budget	Projected End Of Year	YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	2023	2022	2021	Current YTD vs. PYTD	March 31, 2022	March 31, 2021
<b>SUMMARY</b>															
REVENUE	64,902,488	69,829,749	70,983,258	68,629,673	40,883,384	30,099,874	57.60%	59.38%	63.71%				(584,203)	41,467,588	41,346,993
EXPENDITURES	62,824,789	67,293,347	70,626,616	68,278,800	48,118,566	22,508,050	68.13%	68.25%	68.45%				2,193,159	45,925,407	43,000,678
SPENDING VARIANCE	2,077,699	2,536,402	356,642	350,873	(7,235,182)	N/A	N/A	N/A	N/A				(2,777,363)	(4,457,819)	(1,653,685)

### YTD % Received vs. PYTD % Received

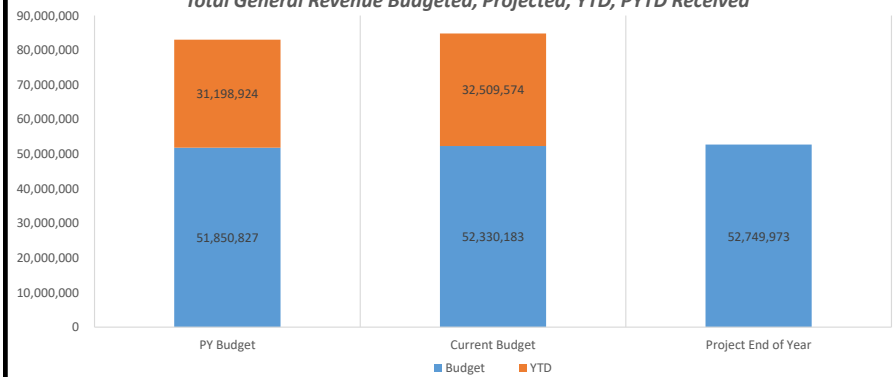


### Top 5 Revenues Received YTD by Source Code 3

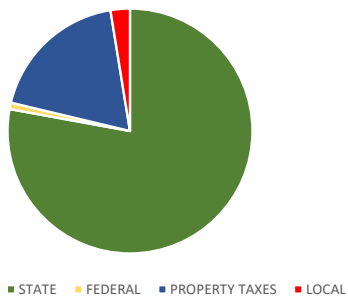
#### Variance from PYTD Received

	Current YTD	Variance vs. PYTD
1 Total STATE REVENUES	\$25,301,889	\$1,106,010
2 GENERAL EDUCATION AID	\$21,248,113	\$239,983
3 Total LOCAL REVENUES	\$6,558,206	\$89,634
4 PROPERTY TAX LEVY, GENERAL	\$5,703,887	\$298,042
5 STATE AID FOR SPECIAL EDUC	\$3,835,953	\$986,694

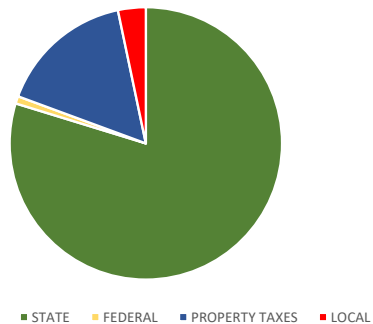
### Total General Revenue Budgeted, Projected, YTD, PYTD Received



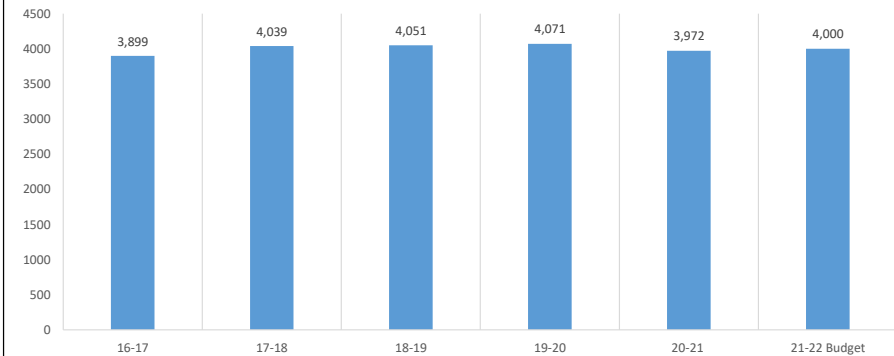
### Current Year Revenue Budget



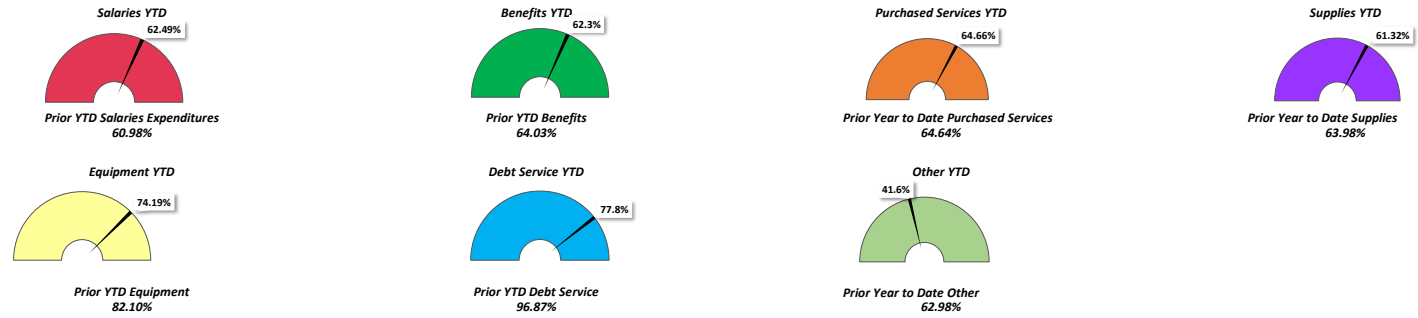
### Prior Year Revenue Budget



### End of Year ADM History



**YTD % Expenditures vs. PYTD % Expenditures**

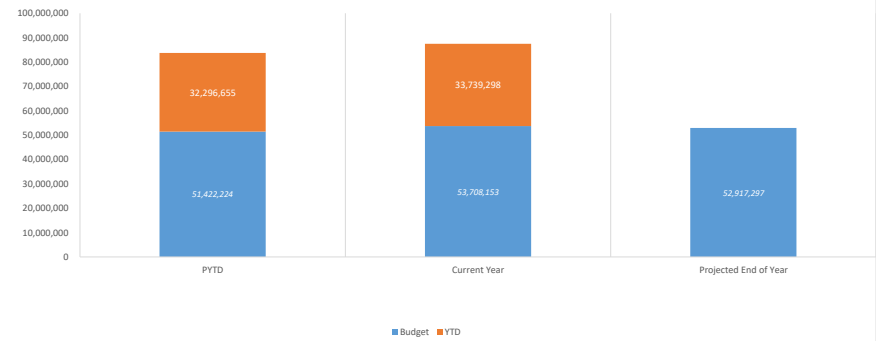


**Top 10 Expenditures YTD by Object Code 3**

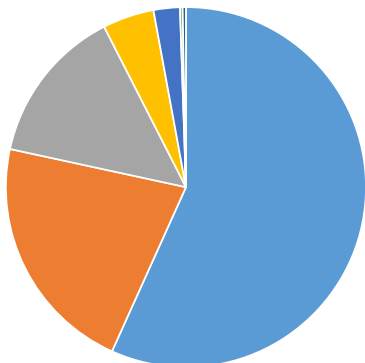
**Variance from PYTD Received**

	Current YTD	Variance vs. PYTD Received
1 TOTAL SALARIES AND WAGES	\$18,944,400	\$1,175,223
2 LICENSED CLASSROOM TEACHER	\$10,308,007	\$799,273
3 TOTAL EMPLOYEE BENEFITS	\$7,519,166	\$395,261
4 TOTAL PURCHASED SERVICES	\$4,786,043	\$107,077
5 HEALTH INSURANCE	\$3,752,412	\$110,241
6 NON-INSTRUCTIONAL SUPPORT	\$2,222,790	\$1,025,592
7 TRANSPORT CONTR <=\$25,000	\$2,091,269	-\$41,067
8 ADMINISTRATION/SUPERVISION	\$1,871,754	\$78,905
9 FICA/MEDICARE	\$1,371,814	-\$85,915
10 TOTAL SUPPLIES	\$1,316,794	-\$199,830

**Total General Expenditures Budgeted, Projected, YTD and, PYTD Expended**

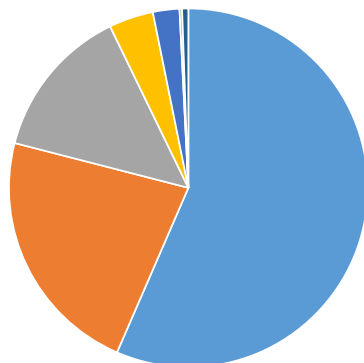


**Prior Year Final**



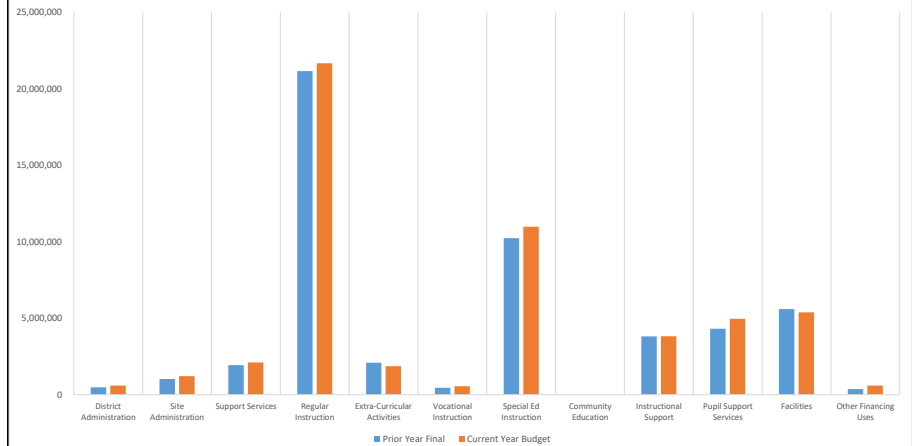
SALARIES, BENEFITS, PURCHASED SERVICES, GENERAL SUPPLIES, CAPITAL EXPENSES, DEBT SERVICE, DUES & OTHER

**Current Year Budget**



SALARIES, BENEFITS, PURCHASED SERVICES, GENERAL SUPPLIES, CAPITAL EXPENSES, DEBT SERVICE, DUES & OTHER

**Prior Year Final and Current Budget by Program**



7. **ACTION ITEMS**

7.A. Curriculum Review and Recommendation: Middle School Science

**Presenter:** Sarah Klitzke, Interim-Director of Teaching & Learning

# School Board Work Session

Teaching and Learning Department  
Curriculum Updates

April 11, 2023



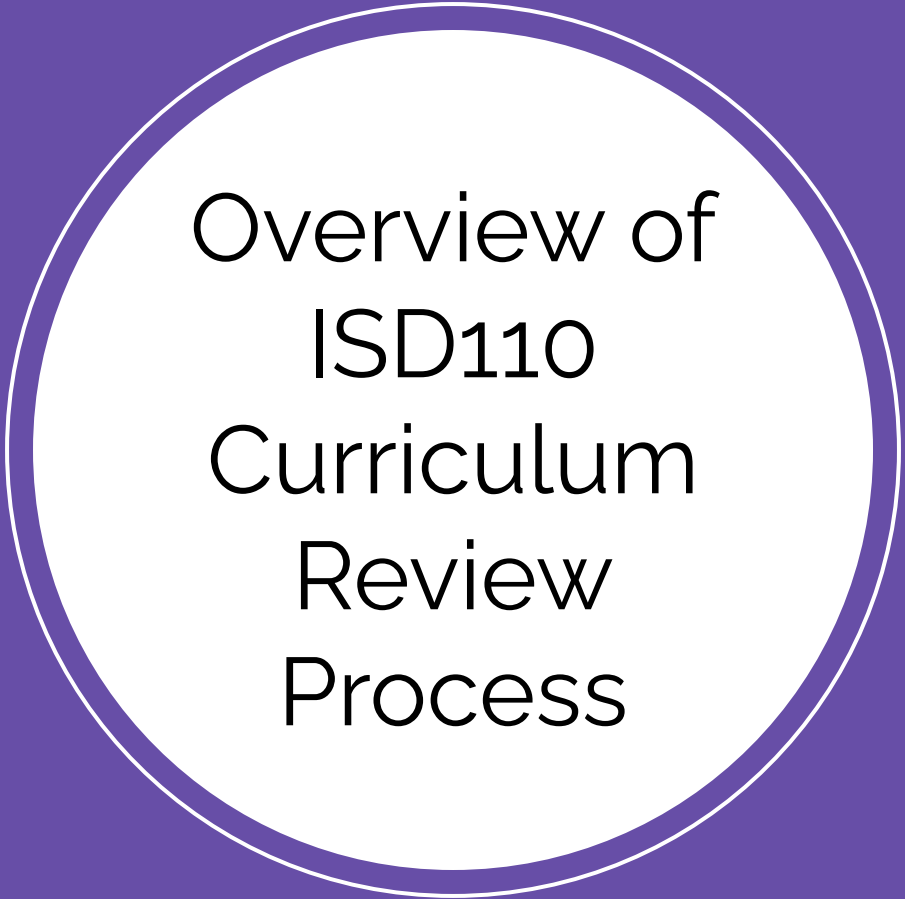
# Policy 606:

# Textbooks and Instructional Materials

## **Section IV.**

**A.**The superintendent [or designee] shall be responsible for keeping the school board informed of progress on the part of staff and others involved in the textbook and other instructional materials review and selection process.

**B.**The superintendent [or designee] shall present a recommendation to the school board on the selection of textbooks and other instructional materials after completion of the review process as outlined in this policy.



Overview of  
ISD110  
Curriculum  
Review  
Process

## REVISED ACADEMIC STANDARDS IMPLEMENTATION SUSPENSION:

The commissioner of education must suspend until June 1, 2023 any implementation of revised academic standards under Minnesota Statutes, section 120B.021. This suspension impacts arts and physical education and delays science to 2024-2025.

Area	Academic Standards Alignment	Implementation Year
Music	MN State Academic Standards	2023-2024
Visual Art	MN State Academic Standards	2023-2024
Physical Education	MN State Academic Standards	2023-2024
Health Education	National Health Education Standards (NHES)	2023-2024
Science	MN State Academic Standards	2024-2025 + MCA IV
English/Language Arts	MN State Academic Standards	2025-2026 + MCA IV
Social Studies	MN State Academic Standards	2026-2027
Math	MN State Academic Standards	2027-2028 + MCA IV
World Language	American Council on the Teaching of Foreign Language (ACTFL)	2028-2029
Guidance	American School Counselor Association (ASCA)	2028-2029
Technology/Media	Information and Technology Educators of Minnesota (ITEM)	2029-2030
Career and Technical Education Business Education, Computer Science Family & Consumer Science, Industrial Tech	Career and Technical Education (CTE)	2029-2030

## DISTRICT 110 CURRICULUM REVIEW CYCLE

	2021-2022*	2022-2023*	2023-2024*	2024-2025*	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Year 1	K-5 Science K-12 Health 4-5 Word Study	6-8 Science K-12 Physical Ed K-12 Music K-12 Visual Art	9-12 Science K-5 ELA & Intervention	6-12 ELA & Intervention	K-12 Social	K-12 Math & Intervention	World Language Guidance	CTE Tech/Media	K-12 Physical Ed K-12 Health
Year 2	6-8 Math Gr 3 Word Study	K-5 Science K-12 Health 4-5 Word Study	6-8 Science K-12 Physical Ed K-12 Music K-12 Visual Art	9-12 Science K-5 ELA & Intervention	6-12 ELA & Intervention	K-12 Social	K-12 Math & Intervention	World Language Guidance	CTE Tech/Media
Year 3	K-5 Math Assessments	6-8 Math Gr 3 Word Study	K-5 Science K-12 Health	6-8 Science K-12 Physical Ed K-12 Music K-12 Visual Art	9-12 Science K-5 ELA & Intervention	6-12 ELA & Intervention	K-12 Social	K-12 Math & Intervention	World Language Guidance
Year 4	World Language Guidance	CTE Tech/Media	K-12 Physical Ed K-12 Health	K-12 Music K-12 Visual Art	K-12 Science	K-5 ELA & Intervention	6-12 ELA & Intervention	K-12 Social	K-12 Math & Intervention
Year 5	K-12 Math & Intervention	World Language Guidance	CTE Tech/Media	K-12 Physical Ed K-12 Health	K-12 Music K-12 Visual Art	K-12 Science	K-5 ELA & Intervention	6-12 ELA & Intervention	K-12 Social
Year 6		K-12 Math & Intervention	World Language Guidance	CTE Tech/Media	K-12 Physical Ed K-12 Health	K-12 Music K-12 Visual Art	K-12 Science	K-5 ELA & Intervention	6-12 ELA & Intervention
Year 7	6-12 ELA & Intervention	K-12 Social	K-12 Math & Intervention	World Language Guidance	CTE Tech/Media	K-12 Physical Ed K-12 Health	K-12 Music K-12 Visual Art	K-12 Science	K-5 ELA & Intervention
Year 8	K-5 ELA & Intervention	6-12 ELA & Intervention	K-12 Social	K-12 Math & Intervention	World Language Guidance	CTE Tech/Media	K-12 Physical Ed K-12 Health	K-12 Music K-12 Visual Art	K-12 Science
Year 9	K-12 Science	K-5 ELA & Intervention	6-12 ELA & Intervention	K-12 Social	K-12 Math & Intervention	World Language Guidance	CTE Tech/Media	K-12 Physical Ed K-12 Health	K-12 Music K-12 Visual Art

\* Revised implementation schedule due to COVID-19 Pandemic

	2021-2022*	2022-2023*	2023-2024*	2024-2025*
Year 1	K-5 Science K-12 Health 4-5 Word Study	6-8 Science K-12 Physical Ed K-12 Music K-12 Visual Art	9-12 Science K-5 ELA & Intervention	6-12 ELA & Intervention
Year 2	6-8 Math Gr 3 Word Study	K-5 Science K-12 Health 4-5 Word Study	6-8 Science K-12 Physical Ed K-12 Music K-12 Visual Art	9-12 Science K-5 ELA & Intervention
Year 3	K-5 Math Assessments	6-8 Math Gr 3 Word Study	K-5 Science K-12 Health	6-8 Science K-12 Physical Ed K-12 Music K-12 Visual Art

Year 1 - Review	Year 2 - Implementation	Year 3	Year 6
<p><b>Conduct Research</b></p> <p>Examine and review state and national standards</p> <p>Research trends and shifts in emphasis among the standards</p> <p>Analyze results of data and current levels of achievement</p> <p><b>Guiding Change Framework</b></p> <p>Determine current reality</p> <p>Discuss parameters and unacceptable means related to curriculum and program development</p> <p>Determine desired results</p> <p><b>Determine Criteria</b></p> <p>Determine program goals and criteria for the selection of instructional resources</p> <p>Establish broad units of study</p> <p>Identify priority standards</p> <p><b>Resource and Material Evaluation</b></p> <p>Evaluate existing resources</p> <p>Collaboratively identify, review, and select primary resources for implementation</p> <p><b>Discussion and Feedback</b></p> <p>Teaching and Learning Advisory Council</p>	<p><b>Curriculum Development</b></p> <p>Review priority standards and broad units of study</p> <p>Develop/Revise Learning Targets</p> <p>Identify key vocabulary</p> <p>Map units of study using D110 Template</p> <p>Develop pacing guides</p> <p>Update course descriptions and syllabi</p> <p><b>Professional Development</b></p> <p>Provide professional development for curriculum implementation</p> <p><b>Curriculum Approval</b></p> <p>Teaching and Learning Advisory Council</p> <p>Board of Education</p>	<p><b>Assessment Development</b></p> <p>Working from priority standards and learning targets, align instructional activities and assessments</p> <p>Review/refine pacing guides</p> <p>Develop formative assessment strategies (assessment for learning)</p> <p>Develop common summative assessments (assessment of learning) and align rubrics or learning scales</p> <p>Establish common grading criteria for processes and products that inform the report card</p> <p><b>Professional Development</b> (ongoing throughout cycle)</p> <p>Use PLC time to examine student work</p> <p>Analyze results of data and current levels of achievement</p> <p>Use PLC and curriculum development time to collaborate and make adjustments to curriculum, assessments, and instructional activities</p> <p>Share new learning and new instructional strategies</p>	<p><b>Resource and Material Evaluation</b></p> <p>Evaluate existing resources</p> <p>Collaboratively identify and review secondary resources that may need updating</p> <p><b>Professional Development</b> (ongoing throughout cycle)</p> <p>Use PLC time to examine student work</p> <p>Analyze results of data and current levels of achievement</p> <p>Use PLC and curriculum development time to collaborate and make adjustments to curriculum, assessments, and instructional activities</p> <p>Consider opportunities for ongoing professional development through conference or workshop attendance</p> <p>Share new learning and new instructional strategies</p>



Science  
Review

# Background

The Minnesota Department of Education has adopted new standards based on the Next Generation Science Standards (NGSS).

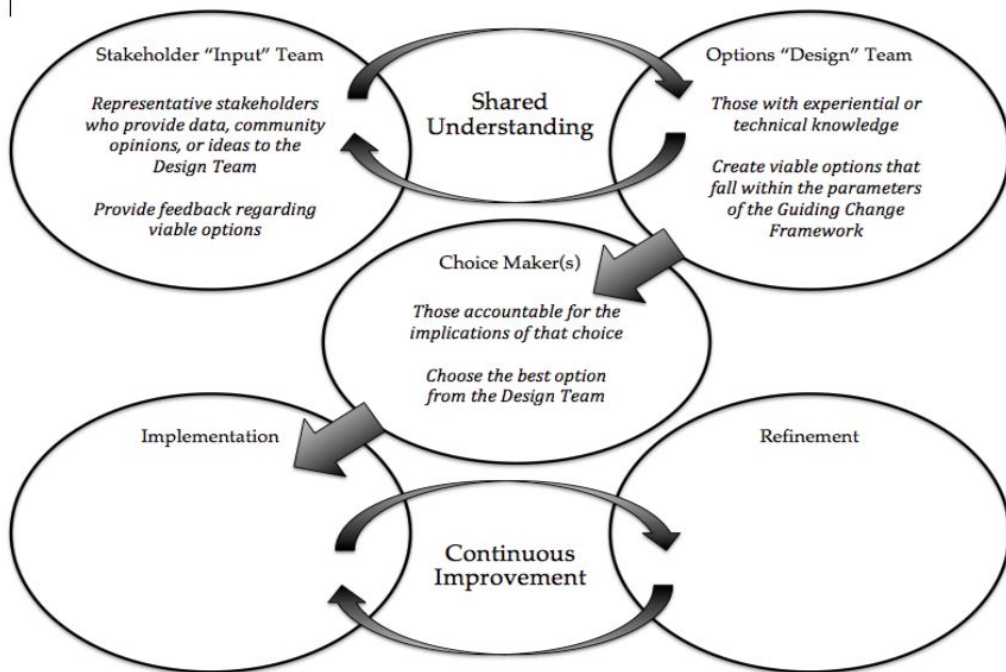
The NGSS are based on a concept called phenomena-based learning

Phenomena -based learning is an approach that moves students from “learning about” to “figuring it out”

# Members of the Review Teams

<b>Gr</b>	<b>Bayview</b>	<b>Laketown</b>	<b>Southview</b>
<b>K</b>	Ann Singewald	Allison Baisch	Jenna Weber
<b>1</b>	Natalie Benson	Lauren Reed	Michelle Birr
<b>2</b>	Angie Pozega	Sam Gaarder	Amanda Puelston
<b>3</b>	Garret Janzen	Heather Stockinger	Josh Sell
<b>4</b>	Leah Janssen/ Kelsey Everson	Niki Eisenmann	Anna Bell/ Melia Archambault
<b>5</b>	Don Skerik	Devin McNeill	Brooke Haley/ Charlie Smothers
<b>WMS</b>	Dan Benham, Melissa Ohm, Kenya Janke, Britta DeVinny, Emily Pedretti, Brian Honkomp, Steve Fleck		
<b>WHS</b>	Mel Berg, Mike Jensen, Roxanne Kuerschner, Josh Dumas, Anna Husman, Michelle Sperle-Berg, Libby Barrie, Wayne Trapp, Michael Hamann		

# Decision Making Framework



# District 110 Current Science Review 2022-23

<b>K-5 Science: Implementation</b>	<ul style="list-style-type: none"><li>○ 1st Year of Amplify Science implementation</li><li>○ Teachers were trained over the summer</li><li>○ Working through the materials, assessments</li><li>○ <b>End of the year make any adjustments to improve our implementation and delivery (Early Release)</b></li></ul>
<b>6-8 Science: Completed curriculum review</b>	<ul style="list-style-type: none"><li>○ Completed new learning and established program goals</li><li>○ <b>Piloted new materials 2nd semester Discovery Science and OpenSciEd</b></li><li>○ Implement new materials 2023-2024</li></ul>
<b>9-12 Science: Starting our learning work</b>	<ul style="list-style-type: none"><li>○ Pulling together a working group to review current course offerings, <b>scope and sequence and teacher licensures</b></li><li>○ Implement new materials 2024-2025</li></ul>

# Rubric used to Evaluate Resources

The team developed the following rubric and criteria using their knowledge gained from research of best practice in implementing the new standards.

Materials are designed for **3-Dimensional Learning**

Materials are designed to assess students and support the interpretation of **assessment** results

Materials are designed to **support teachers** not only in using the materials, but also in **understanding the standards and benchmarks**

Materials are designed to **support all students** in their learning

Overall materials (**User friendly**, Schoology integration etc.)

# Summary of Review

1. In every rubric category OpenSciEd had higher ratings.
2. OpenSciEd was more closely aligned to 3-Dimensional learning and the new science standards
3. OpenSciEd had easy navigable teacher materials and student supports. There were on-demand PD tutorials for each unit as well as videos for when students were absent or needed extra support.
4. Both resources were easily integrated into Schoology.
5. Student feedback found that OpenSciEd had more engaging, hand-ons on learning with storylines that were relevant to the students.

**\*The curriculum review team unanimously agreed to recommend adoption of OpenSciEd as the grades 6-8 core science curriculum.**

# Teaching & Learning Advisory Council

## Teaching and Learning Advisory Council

### Primary Function:

The Teaching and Learning Advisory Council (TLAC) is the formal advisory group for District 110 whose purpose is to review and advise on K-12 curriculum prior to presentation to the Board of Education.

### School Board Representative:

- Kim Kelzer-Breeden

# Process

## **December 5th, 2022**

- Receive background information
- Round table discussion to provide feedback to review team

## **April 3rd, 2023**

- Receive information and recommendation from review team
- Prepare and approve recommendation to the Board of Education

# Recommendation

On April 3rd, members of the Teaching and Learning Advisory Council unanimously approved the WMS Science Curriculum and program recommendations as presented:

## **We are comfortable with . . .**

- Grades 6-8 teachers unanimously selecting OpenSciEd as the primary resource

## **We still have questions about . . .**

- How will the new style of assessment impact grading?

## **Considerations to share with the BOE:**

- It is important to provide time for professional development so that programs can effectively be implemented and sustained
- It was important that this was a unanimous decision by teachers and fit within budget allocation

# Assurances

- ISD110 Grades 6-8 Science Curriculum was collaboratively reviewed and revised by grade level representatives and the Department of T&L
- Grades 6-8 Science Curriculum is aligned to the MN Science Standards/Next Generation Science Standards
- The purchase of updated instructional resources falls within the allocated budget



High School  
Science  
Review

# Work Completed This Year for WHS Science

- Professional Learning on the new state standards, NGSS and Phenomena based learning.
- Developed a proposed scope and sequence to support the new standards, benchmarks and teacher licensures
  - 9th Grade: Earth and Space Science
  - 10th Grade: Cell Bio/ Bio systems or AP Biology ('23-'24)
  - 11th/12th Grade: Select any of the following
    - Chemistry or AP Chemistry
    - Physics or CIS Physics
    - Principles of Physics + Principles of Engineering
- This summer 3 days of professional learning
  - Identify which benchmarks will best fit with which courses
  - Identify desired needs and rubric for new materials
  - Review different resources to support the course sequence
  - Select possible resources to pilot next school year



Additional  
Questions?

7.B. Second Read Board Policies

7.B.1. 616 School District System Accountability

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 616

Orig. 1997

Revised: \_\_\_\_\_

Rev. 202219

## 616 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY

***[Note: ~~Minn. Stat. § Minnesota Statutes section~~ 120B.11 requires school districts to adopt a comprehensive long-term strategic plan that addresses the review of curriculum, instruction, student achievement, and assessment. MSBA/MASA Model Policies 601, 603, and 616 address these statutory requirements. In addition, MSBA/MASA Model Policies 613-615 and 617-620 provide procedures to further implement the requirements of ~~Minn. Stat. §Minnesota Statutes section~~ 120B.11.]***

### I. PURPOSE

The purpose of this policy is to focus public education strategies on a process ~~which that~~ promotes higher academic achievement for all students and ensures broad-based community participation in decisions regarding the implementation of the Minnesota K-12 Academic Standards and federal law.

### II. GENERAL STATEMENT OF POLICY

Implementation of the Minnesota K-12 Academic Standards and federal law ~~will requires a new level of~~ accountability for the school district. The school district ~~will established~~ a system to transition to the graduation requirements of the Minnesota K-12 Academic Standards. The school district also ~~will established~~ a system to review and improve instruction, curriculum, and assessment which will include substantial input by students, parents or guardians, and local community members. The school district will be accountable to the public and the state through annual reporting.

### III. DEFINITIONS

- A. "Credit" means a student's successful completion of an academic ~~course year of study~~ or a student's mastery of the applicable subject matter, as determined by the school district.
- B. "Graduation Standards" means the credit requirements and locally adopted content standards or Minnesota K-12 Academic Standards that school districts must offer and certify that students complete to be eligible for a high school diploma.
- C. "World's best workforce" means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

### IV. ESTABLISHMENT OF GOALS; IMPLEMENTATION; EVALUATION AND REPORTING

#### A. School District Goals

- 1. The school board has established school district-wide goals ~~which that~~ provide broad direction for the school district. Incorporated in these goals are the graduation and education standards contained in the Minnesota K-12 Academic Standards and federal law. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the recommendations of the school district's Advisory Committee.

2. ~~The school board shall approve the guidelines for member representation of the Advisory Committee is will be established by the school board~~ to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.
  3. The school district-wide improvement goals should address recommendations identified through the Advisory Committee process. The school district's goal setting process will include consideration of individual site goals. School district goals may also be developed through an education effectiveness program, an evaluation of student progress committee, or through some other locally determined process.
- B. System for Reviewing All Instruction and Curriculum. Incorporated in the process will be analysis of the school district's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under ~~Minn. Stat. §Minnesota Statutes section 123B.147, Subd. 3,~~ and teacher evaluations under ~~Minn. Stat. §Minnesota Statutes section 122A.40, Subd. 8,~~ or 122A.41, ~~Subd. 5.~~

***[Insert Local Cycle in this space]***

1. The ~~Director of Teaching and Learning~~ superintendent **[or designee]** shall be responsible for developing procedures and guidelines to establish an orderly process for the review and recommendation of textbooks and other instructional materials by the professional staff.
- C. Implementation of Graduation Requirements
1. The Advisory Committee shall also advise the school board on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of the Advisory Committee shall be published annually to the community. The school board shall receive public input and comment and shall adopt or update this policy at least annually.
  2. The school board shall annually review and determine if student achievement levels at each school site meet federal expectations. If the school board determines that student achievement levels at a school site do not meet federal expectations and the site has not made adequate yearly progress for two consecutive school years, the Advisory Committee shall work with the school site to adopt a plan to raise student achievement levels to meet federal expectations. The Advisory Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) (Commissioner) in developing a plan which must include parental involvement components.
  3. The educational assessment system component utilized by the school board to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. The school board will utilize models developed by the Commissioner for measuring individual student progress. The school board must coordinate with MDE in evaluating school sites and continuous improvement plans, consistent with best practices.
- D. Comprehensive Continuous Improvement of Student Achievement
1. By ~~[ ]~~ [ ~~date~~ ] **December 1st** of each year, the Advisory Committee will meet

to advise and assist the school district in the implementation of the school district system accountability and comprehensive continuous improvement process.

2. The Advisory Committee, working in cooperation with other committees of the school district [*such as the Technology, Educational Effectiveness, Grade Level, Site Instruction, Curriculum and Assessment Committees, etc.*], will provide active community participation in:
  - a. Reviewing the school district instructional and curriculum plan, with emphasis on implementing the Minnesota K-12 Academic Standards;
  - b. Identifying annual instruction and curriculum improvement goals for recommendation to the school board;
  - c. Making recommendations regarding the evaluation process that will be used to measure school district progress toward its goals; and,
  - d. Advising the school board about development of the annual budget.
3. The Advisory Committee shall meet the following criteria:
  - a. The Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
  - b. The Advisory Committee shall make recommendations to the school board on school district-wide standards, assessments, and program evaluation.
  - c. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the school district improvement plan.
  - d. A local plan to evaluate student progress, using a local process, shall be used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the Advisory Committee in the instruction and curriculum review process. This plan shall annually be approved by the school board.
4. The Advisory Committee shall, when possible, be comprised of at least two-thirds community representatives and shall reflect the diversity of the community. To the extent possible, the Advisory Committee shall reflect the diversity of the school district and its school sites and include teachers, parents (non-employee), support staff, students, and other community residents. ~~Included in its membership should be:~~
  - ~~a. — The Director of Curriculum (or similar educational leader)~~
  - ~~b. — Principal~~
  - ~~c. — School Board Member~~
  - ~~d. — Student Representative~~
  - ~~e. — One teacher from each building or instructional level~~

- ~~f. Two parents from each building or instructional level~~
- ~~g. Two residents without school-aged children, non-representative of local business or industry~~
- ~~h. Two residents representative of local business or industry~~
- ~~i. District Assessment Coordinator (if different from "a." above)~~

***[Note: This Advisory Committee composition is a model only.]***

- 5. Translation services should be provided to the extent appropriate and practicable.
- 6. The Advisory Committee shall meet ~~the following timeline each year at least 4 times per year and cover the following items:~~

~~Month:~~ a. Organizational meeting of the Committee to review the authorizing legislation and the roles and responsibilities of the Committee as determined by the school board.

~~Month(s):~~ b. Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.

~~Month(s):~~ c. Review evaluation results and prepare recommendations.

~~Month:~~ d. Present recommendations to the school board for its input and approval.

- E. Evaluation of Student Progress Committee. A committee of professional staff shall develop a plan for assessment of student progress toward Literacy by Grade 3, the Graduation Standards, as well as program evaluation data for use by the Advisory Committee to review instruction and curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. This plan shall annually be approved by the school board.

F. Reporting

- 1. Consistent with ~~Minn. Stat. §Minnesota Statutes section~~ 120B.36, Subd. 1, the school board shall publish a report in the local newspaper with the largest circulation in the district, by mail, or by electronic means on the school district website. The school board shall hold an annual public meeting to review and revise, where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction and cultural competency and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and to review school district success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to the world's best workforce. The school board must transmit an electronic summary of its report to the Commissioner in the form and manner the Commissioner determines. The school district shall periodically survey affected constituencies in their native languages, where appropriate and practicable, about their connection to and level of satisfaction with school. The school district shall include the results of this evaluation in its published reports and in its summary report to the Commissioner.
- 2. The school performance report for a school site and a school district must include performance reporting information and calculate proficiency rates as required

by the most recently reauthorized Elementary and Secondary Education Act.

**Legal References:**

Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)  
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)  
Minn. Stat. § 120B.35 (Student Academic Achievement Levels and Growth)  
Minn. Stat. § 120B.36 (School Accountability; ~~Appeals Process~~)  
Minn. Stat. § 122A.40, ~~Subd. 8~~ (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41, ~~Subd. 5~~ (Teacher Tenure Act; Cities of the First Class; Definitions)  
Minn. Stat. § 123B.04 (Site Decision Making; Individualized Learning Agreement; Other Agreements Agreement)  
Minn. Stat. § 123B.147, ~~Subd. 3~~ (Principals)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.0820 00-3501.0815 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)  
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

**Cross References:**

MSBA/MASA Model Policy 104 (School District Mission Statement)  
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)  
District 110 Policy 603 (Curriculum Development)  
District 110 Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 613 (Graduation Requirements)  
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)  
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)  
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)  
MSBA/MASA Model Policy 619 (Staff Development for Standards)  
MSBA/MASA Model Policy 620 (Credit for Learning)

## **616 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY**

***[Note: Minnesota Statutes section 120B.11 requires school districts to adopt a comprehensive long-term strategic plan that addresses the review of curriculum, instruction, student achievement, and assessment. MSBA/MASA Model Policies 601, 603, and 616 address these statutory requirements. In addition, MSBA/MASA Model Policies 613-615 and 617-620 provide procedures to further implement the requirements of Minnesota Statutes section 120B.11.]***

### **I. PURPOSE**

The purpose of this policy is to focus public education strategies on a process that promotes higher academic achievement for all students and ensures broad-based community participation in decisions regarding the implementation of the Minnesota K-12 Academic Standards and federal law.

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

Implementation of the Minnesota K-12 Academic Standards and federal law requires accountability for the school district. The school district established a system to transition to the graduation requirements of the Minnesota K-12 Academic Standards. The school district also established a system to review and improve instruction, curriculum, and assessment which will include substantial input by students, parents or guardians, and local community members. The school district will be accountable to the public and the state through annual reporting.

### **III. DEFINITIONS**

- A. "Credit" means a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter, as determined by the school district.
- B. "Graduation Standards" means the credit requirements and locally adopted content standards or Minnesota K-12 Academic Standards that school districts must offer and certify that students complete to be eligible for a high school diploma.
- C. "World's best workforce" means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

### **IV. ESTABLISHMENT OF GOALS; IMPLEMENTATION; EVALUATION AND REPORTING**

- A. School District Goals
  - 1. The school board has established school district-wide goals that provide broad direction for the school district. Incorporated in these goals are the graduation and education standards contained in the Minnesota K-12 Academic Standards and federal law. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the recommendations of the school district's Advisory Committee.
  - 2. The Advisory Committee is established by the school board to ensure active

community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.

3. The school district-wide improvement goals should address recommendations identified through the Advisory Committee process. The school district's goal setting process will include consideration of individual site goals. School district goals may also be developed through an education effectiveness program, an evaluation of student progress committee, or through some other locally determined process.

- B. System for Reviewing All Instruction and Curriculum. Incorporated in the process will be analysis of the school district's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes section 123B.147, and teacher evaluations under Minnesota Statutes section 122A.40 or 122A.41.

***[Insert Local Cycle in this space]***

- C. Implementation of Graduation Requirements

1. The Advisory Committee shall also advise the school board on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of the Advisory Committee shall be published annually to the community. The school board shall receive public input and comment and shall adopt or update this policy at least annually.
2. The school board shall annually review and determine if student achievement levels at each school site meet federal expectations. If the school board determines that student achievement levels at a school site do not meet federal expectations and the site has not made adequate yearly progress for two consecutive school years, the Advisory Committee shall work with the school site to adopt a plan to raise student achievement levels to meet federal expectations. The Advisory Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) (Commissioner) in developing a plan which must include parental involvement components.
3. The educational assessment system component utilized by the school board to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. The school board will utilize models developed by the Commissioner for measuring individual student progress. The school board must coordinate with MDE in evaluating school sites and continuous improvement plans, consistent with best practices.

- D. Comprehensive Continuous Improvement of Student Achievement

1. By [date] of each year, the Advisory Committee will meet to advise and assist the school district in the implementation of the school district system accountability and comprehensive continuous improvement process.

2. The Advisory Committee, working in cooperation with other committees of the school district [*such as the Technology, Educational Effectiveness, Grade Level, Site Instruction, Curriculum and Assessment Committees, etc.*], will provide active community participation in:
  - a. Reviewing the school district instructional and curriculum plan, with emphasis on implementing the Minnesota K-12 Academic Standards;
  - b. Identifying annual instruction and curriculum improvement goals for recommendation to the school board;
  - c. Making recommendations regarding the evaluation process that will be used to measure school district progress toward its goals; and,
  - d. Advising the school board about development of the annual budget.
3. The Advisory Committee shall meet the following criteria:
  - a. The Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
  - b. The Advisory Committee shall make recommendations to the school board on school district-wide standards, assessments, and program evaluation.
  - c. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the school district improvement plan.
  - d. A local plan to evaluate student progress, using a local process, shall be used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the Advisory Committee in the instruction and curriculum review process. This plan shall annually be approved by the school board.
4. The Advisory Committee shall, when possible, be comprised of at least two-thirds community representatives and shall reflect the diversity of the community. To the extent possible, the Advisory Committee shall reflect the diversity of the school district and its school sites and include teachers, parents, support staff, students, and other community residents. Included in its membership should be:
  - a. The Director of Curriculum (or similar educational leader)
  - b. Principal
  - c. School Board Member
  - d. Student Representative

- e. One teacher from each building or instructional level
- f. Two parents from each building or instructional level
- g. Two residents without school-aged children, non-representative of local business or industry
- h. Two residents representative of local business or industry
- i. District Assessment Coordinator (if different from "a." above)

***[Note: This Advisory Committee composition is a model only.]***

5. Translation services should be provided to the extent appropriate and practicable.

6. The Advisory Committee shall meet the following timeline each year:

Month: Organizational meeting of the Committee to review the authorizing legislation and the roles and responsibilities of the Committee as determined by the school board.

Month(s): Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.

Month(s): Review evaluation results and prepare recommendations.

Month: Present recommendations to the school board for its input and approval.

E. Evaluation of Student Progress Committee. A committee of professional staff shall develop a plan for assessment of student progress toward Literacy by Grade 3, the Graduation Standards, as well as program evaluation data for use by the Advisory Committee to review instruction and curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. This plan shall annually be approved by the school board.

F. Reporting

1. Consistent with Minnesota Statutes section 120B.36, Subd. 1, the school board shall publish a report in the local newspaper with the largest circulation in the district, by mail, or by electronic means on the school district website. The school board shall hold an annual public meeting to review and revise, where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction and cultural competency and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and to review school district success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to the world's best workforce. The school board must transmit an electronic summary of its report to the Commissioner in the form and manner the Commissioner determines. The school district shall periodically survey affected constituencies in their native languages, where appropriate and practicable, about their connection to and level of satisfaction

with school. The school district shall include the results of this evaluation in its published reports and in its summary report to the Commissioner.

2. The school performance report for a school site and a school district must include performance reporting information and calculate proficiency rates as required by the most recently reauthorized Elementary and Secondary Education Act.

**Legal References:**

Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota’s Students)  
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World’s Best Workforce)  
Minn. Stat. § 120B.35 (Student Academic Achievement and Growth)  
Minn. Stat. § 120B.36 (School Accountability)  
Minn. Stat. § 122A.40 (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class; Definitions)  
Minn. Stat. § 123B.04 (Site Decision Making; Individualized Learning Agreement; Other Agreements)  
Minn. Stat. § 123B.147(Principals)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)  
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

**Cross References:**

MSBA/MASA Model Policy 104 (School District Mission Statement)  
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)  
MSBA/MASA Model Policy 613 (Graduation Requirements)  
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)  
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)  
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)  
MSBA/MASA Model Policy 619 (Staff Development for Standards)  
MSBA/MASA Model Policy 620 (Credit for Learning)

Policy Adopted: March 2004

Reviewed: June 2015, May 2016, April 2021

Revised: June 2022

Independent School District No. 110

Waconia, MN

7.B.2. 698 Teaching Controversial Topics

## 698 Teaching about Controversial Topics

### I. PURPOSE

The District has a responsibility to include, in various curriculum areas and at all grade levels, content dealing with critical topics and using materials, some of which will be controversial or raise objections within the community. The school board has the final authority to give or withhold consent for any school activity or program.

### II. DEFINITION

Controversial topics are defined as problems, subjects or questions about which there are major differences of opinion, for which there are no easy answers, and discussion of which generally create strong feelings among people.

### III. GENERAL STATEMENT OF POLICY

The Policy of the Waconia Public School District is as follows:

A. Development of rational thinking and preparation for citizenship are the primary reasons for including the study of controversial topics or use of controversial materials in the curriculum.

B. The District, as an educational institution and as individual classroom teachers have a responsibility to give the student:

1. An opportunity to study controversial topics or read controversial materials which have political, economic or social significance about which they will begin to have an opinion.
2. Access to all relevant information, including the materials that circulate freely in the community.
3. Competent instruction balancing the various points-of-view in an atmosphere free from bias and prejudice.
4. The right to form and express their own opinions on controversial topics or materials without jeopardizing their relations with teachers or the schools.
5. Deliberate effort shall be made by the teacher to achieve balance over time in the viewpoints to which students are exposed. The teacher shall not espouse a biased viewpoint that is intended to influence students' creation of their own viewpoints.
6. Any outside speaker on controversial topics shall be approved by the Principal prior to utilization of the speaker. The use of any speaker on a controversial topic shall be balanced by another speaker who espouses an opposing view.
7. If a controversial issue that is neither directly related to the course content nor specified as a part of the curriculum unexpectedly arises during a class discussion, for example as the result of a student's questions or comments or in the coverage of current events, the teacher may dedicate sufficient time to the issue to assure balanced, impartial coverage.

### IV. GUIDELINES

Guidelines for the selection of controversial topics or materials to be studied in the classroom:

- A. The topic or material should contribute toward helping students develop techniques for examining other controversial topics or materials.
- B. The topic or material should be suitable for students of the maturity and background represented in the respective class.
- C. The topic or material should be related to the standards and course content and help achieve those standards and course objectives.
- D. The topic or material should be of continuing significance.
- E. Exceptions to the above expectations may be granted by the building principal on a case-by-case basis.

F. Administration shall be responsible for informing all staff members of the policy on coverage of controversial issues in the curriculum. In doing so, they shall emphasize the basic assumption that the school is providing an opportunity for students to study controversial issues, not teaching a viewpoint on controversial issues.

G. A teacher who is in doubt concerning the advisability of discussing certain issues and materials in the classroom shall confer with his/her principal as to the appropriateness of doing so. If the teacher and principal are unable to agree, the issue shall be referred to the superintendent or superintendent's designee.

#### V. RECONSIDERATION OF A CONTROVERSIAL TOPIC

- A. The school district shall provide a process for members of the school district community to seek reconsideration of the use of a controversial topic or material as outlined in District Policy 606.
- B. The Superintendent or designee shall be responsible for the development of guidelines and procedures to identify the steps to be followed to seek reconsideration of the use of a controversial topic or material.

Cross References: District 110 Policy #604 Instructional Curriculum  
District 110 Policy #606 Textbook and Instructional Materials  
District 110 Policy #625 Media and Book Selection



Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 404

Orig. 1995

Revised: \_\_\_\_\_

Rev. 2018-2022

## **404 EMPLOYMENT BACKGROUND CHECKS**

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

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district may also elect to do background checks of other volunteers, independent contractors, and student employees in the school district.

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

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

### **III. PROCEDURES**

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in [Minn. Stat. §Minnesota Statutes section 13.87](#). The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

***[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]***

- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the [Minnesota Commissioner of Education](#) within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
  2. the other school hiring authority conducted a criminal background check within the previous 12 months;
  3. the individual executes a written consent form giving the school district access to the results of the check; and
  4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.
- F. When required, individuals must provide fingerprints to assist in a criminal history

background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.

- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

#### **IV. CRIMINAL HISTORY CONSENT FORM**

A form to obtain consent for a criminal history background check is included with this policy.

**Legal References:** Minn. Stat. § 13.04, Subd. 4 (~~Rights of Subjects of Data Inaccurate or Incomplete Data~~)  
Minn. Stat. § 13.87, Subd. 1 (Criminal ~~Justice~~History Data)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, ~~Elder, and Individuals with Disabilities~~ Protection Background Check Act)  
Minn. Stat. § 364.09(b) (Exception for School Districts)

**Cross References:** None

## **404 EMPLOYMENT BACKGROUND CHECKS**

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

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district may also elect to do background checks of other volunteers, independent contractors, and student employees in the school district.

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

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

### **III. PROCEDURES**

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § 13.87. The school district reserves the

right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

***[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]***

- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
  2. the other school hiring authority conducted a criminal background check within the previous 12 months;
  3. the individual executes a written consent form giving the school district access to the results of the check; and
  4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and

from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.

- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

**Legal References:** Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)  
Minn. Stat. § 13.87, Subd. 1 (Criminal History Data)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background Check Act)  
Minn. Stat. § 364.09(b) (Exception for School Districts)

**Cross References:**

Policy Adopted: May 11, 1998

Amended: February 11, 2002, March 2008, February 2009, June 2011, reviewed February 2018, amended July 2021

Independent School District No. 110  
Waconia, MN 55387

7.B.4. 406 Form: Consent to Release Data -  
Request from an Individual

### Consent to Release Data – Request from an Individual

An individual asks the school district to release private data to an outside entity or person. Because the district does not have statutory authority to release the data, it must get the individual's written informed consent.

#### Explanation of Your Rights

If you have a question about anything on this form or would like more explanation, please talk to **the Director of Human Resources** before you sign it.

---

I, \_\_\_\_\_, give my permission for **Waconia Public Schools** to release  
(name of individual)

data about me to \_\_\_\_\_ as described in this consent form.  
(name of other entity/person)

1. The specific data I want **Waconia Public Schools** to release include:

\_\_\_\_\_  
(explanation of data requested)

2. I understand that I have asked **Waconia Public Schools** to release the data.

3. I understand that although the data are classified as private at **Waconia Public Schools**,

classification/treatment of the data at \_\_\_\_\_ depends on laws or policies  
(name of other entity/person)

that apply to \_\_\_\_\_.  
(name of other entity/person)

This authorization to release expires \_\_\_\_\_.  
(date/time of expiration)

Individual data subject's signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/guardian's signature [if needed] \_\_\_\_\_ Date \_\_\_\_\_

## Consent to Release Data – Request from an Individual

*An individual asks the government entity to release his/her private data to an outside entity or person. Because the entity does not have statutory authority to release the data, it must get the individual's written informed consent.*

### Explanation of Your Rights

If you have a question about anything on this form, or would like more explanation, please talk to

\_\_\_\_\_ before you sign it.  
[entity contact person name and contact information]

I, \_\_\_\_\_, give my permission for \_\_\_\_\_  
[name of individual data subject] [name of government entity]

to release data about me to \_\_\_\_\_ as described on this form.  
[name of other entity or person]

1. The specific data I want \_\_\_\_\_ to release \_\_\_\_\_.  
[name of government entity] [explanation of data]
2. I understand that I have asked \_\_\_\_\_ to release the data.  
[name of government entity]
3. I understand that although the data are classified as private at \_\_\_\_\_, the  
[name of government entity]  
classification/treatment of the data at \_\_\_\_\_ depends on laws or  
[name of other entity or person]  
policies that apply to \_\_\_\_\_.  
[name of other entity or person]

This authorization to release expires \_\_\_\_\_.  
[date/time of expiration]

Individual data subject's signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/guardian's signature [if needed] \_\_\_\_\_ Date \_\_\_\_\_

7.B.5. 408 Subpoena of a School District  
Employee

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 408

Orig. 1995

Revised: \_\_\_\_\_

Rev. 202207

## 408 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE

### I. PURPOSE

The purpose of this policy is to protect the privacy rights of school district employees and students under both state and federal law when requested to testify or provide educational records for a judicial or administrative proceeding.

### II. GENERAL STATEMENT OF POLICY

This policy is to provide guidance and direction for school district employees who may be subpoenaed to testify and/or provide educational records for a judicial or administrative proceeding.

### III. DATA CLASSIFICATION

#### A. Educational Data

##### 1. State Law

The Minnesota Government Data Practices Act (MGDPA), ~~Minnesota Statutes, Ch. chapter~~ 13, classifies all educational data, except for directory information as designated by the school district, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data or a parent if the subject of the data is a minor.**

##### 2. Federal Law

The Family Educational Rights and Privacy Act (FERPA), 20 United States Code section U.S.C. § 1232g, provides that educational data may not be released, except pursuant to informed consent by the individual subject of the data or any lawfully issued subpoena. Regulations promulgated under the federal law require that the school district must first make a reasonable effort to notify the parent of the student, or the student if the student is 18 years of age or older, of the subpoena in advance of releasing the information pursuant to the subpoena.

#### B. Personnel Data

The MGDPA, ~~Minn. Stat. Ch. 13~~, also classifies all personnel data, except for certain data specifically classified as public, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data.**

### IV. APPLICATION AND PROCEDURES

- A. Any employee who receives a subpoena for any purpose related to employment is to inform the building administrator or designated supervisor when the employee receives

the subpoena. The building administrator or designated supervisor shall immediately inform the superintendent that the employee has received a subpoena.

- B. No employee may release educational data, personnel data, or any other data of any kind without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data.
- C. Payment for attendance at judicial or administrative proceedings and the retention of witness and mileage fees is to be determined in accordance with the applicable school board policies and collective bargaining agreements.
- D. The administration shall not release any information except in strict compliance with state and federal law and this policy. Recognizing that an unauthorized release may expose the school district or its employees to civil or criminal penalties or loss of employment, the administration shall confer with school district legal counsel prior to release of such data.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Rules 1205.0100, Subp. 5 (~~How These Rules Apply~~[Minnesota Rules Regarding Data Practices](#))  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

**Cross References:** MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA ~~Service Manual, Chapter 13, School~~ Law Bulletin "I" (School Records – Privacy – Access to Data)

## 408 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE

### I. PURPOSE

The purpose of this policy is to protect the privacy rights of school district employees and students under both state and federal law when requested to testify or provide educational records for a judicial or administrative proceeding.

### II. GENERAL STATEMENT OF POLICY

This policy is to provide guidance and direction for school district employees who may be subpoenaed to testify and/or provide educational records for a judicial or administrative proceeding.

### III. DATA CLASSIFICATION

#### A. Educational Data

##### 1. State Law

The Minnesota Government Data Practices Act (MGDPA), Minn. Stat. Ch. 13, classifies all educational data, except for directory information as designated by the school district, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data or a parent if the subject of the data is a minor.**

##### 2. Federal Law

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, provides that educational data may not be released, except pursuant to informed consent by the individual subject of the data or any lawfully issued subpoena. Regulations promulgated under the federal law require that the school district must first make a reasonable effort to notify the parent of the student, or the student if the student is 18 years of age or older, of the subpoena in advance of releasing the information pursuant to the subpoena.

#### B. Personnel Data

The MGDPA, Minn. Stat. Ch. 13, also classifies all personnel data, except for certain data specifically classified as public, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data.**

#### **IV. APPLICATION AND PROCEDURES**

- A. Any employee who receives a subpoena for any purpose related to employment is to inform the building administrator or designated supervisor when the employee receives the subpoena. The building administrator or designated supervisor shall immediately inform the superintendent that the employee has received a subpoena.
- B. No employee may release educational data, personnel data, or any other data of any kind without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data.
- C. Payment for attendance at judicial or administrative proceedings and the retention of witness and mileage fees is to be determined in accordance with the applicable school board policies and collective bargaining agreements.
- D. The administration shall not release any information except in strict compliance with state and federal law and this policy. Recognizing that an unauthorized release may expose the school district or its employees to civil or criminal penalties or loss of employment, the administration shall confer with school district legal counsel prior to release of such data.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Rules 1205.0100, Subp. 5 (Minnesota Rules Regarding Data Practices)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

***Cross References:*** MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)

Policy Adopted: May 11,1998

Amended: February 11,2002/March 10, 2008/December 2018/June 2021

Independent School District No.110

Waconia, MN 55387

7.B.6. 414 Mandated Reporting Child Neglect or  
Physical or Sexual Abuse

#### 414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

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

##### I. PURPOSE

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

##### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with ~~Minn. Stat. Ch.~~ **Minnesota Statutes chapter 260E** requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

##### III. DEFINITIONS

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
  - 1. is not likely to occur and could not have been prevented by exercise of due care; and
  - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18 and, for purposes of ~~Minn. Stat. Ch.~~ **Minnesota Statutes chapter 260C** (Juvenile Safety and Placement) and ~~Minn. Stat. Ch.~~ **Minnesota Statutes chapter 260D** (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to ~~Minn. Stat. §~~ **Minnesota Statutes chapter 260C.451** (Foster Care Benefits Past Age 18).
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Mandated reporter" means any school personnel who knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years.
- E. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- F. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:
  - 1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health care, medical, or other care required for the child's physical or mental health when reasonably able to do so;

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

Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

- G. "Nonmaltreatment mistake" occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under **Minnesota** Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under ~~Minn. Rules Ch.~~ **Minnesota Statutes chapter 9503**.
- H. "Person responsible for the child's care" means (1) an individual functioning within the

family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

- I. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by ~~Minn. Stat. §~~ [Minnesota Statutes section 125A.0942](#) or [§ 245.825](#).

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by ~~Minn. Stat. §~~ [Minnesota Statutes section 121A.582](#).

Actions that are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in ~~Minn. Stat. §~~ [Minnesota Statutes section 609.02, Subd. subdivision 6](#); (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child, or other substances that substantially affect the child's behavior, motor coordination, or judgment, or that result in sickness or internal injury, or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under ~~Minn. Stat. §~~ [Minnesota Statutes section 609.379](#), including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under ~~Minn. Stat. §~~ [Minnesota Statutes section 121A.58](#).

- J. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.
- K. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- L. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in ~~Minn. Stat. §~~ [Minnesota Statutes section 609.341, Subd. subdivision 15](#)), or by a person in a current or recent position of authority (as defined in ~~Minn. Stat. §~~ [Minnesota Statutes section 609.341, Subd. subdivision 10](#)) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and

communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor that constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation that requires registration under ~~Minn. Stat. §~~ **Minnesota Statutes section** 243.166, ~~Subd.~~ **subdivision** 1b(a) or (b) (Registration of Predatory Offenders).

- M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.

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

- A. A mandated reporter shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- B. An oral report shall be made immediately by telephone or otherwise., The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing or investigating the report. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. An employer of a mandated reporter shall not retaliate against the person for reporting

in good faith maltreatment against a child with respect to whom a report is made, because of the report.

- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees. Knowingly or recklessly making a false report also may result in discipline.

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

## **V. INVESTIGATION**

- A. The responsibility for assessing or investigating reports of suspected maltreatment rests with the appropriate state, county, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged offender is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility,

pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, ~~Minn. Stat. Ch.~~ **Minnesota Statutes chapter** 13, and the Family Educational Rights and Privacy Act, 20 ~~U.S.C. §~~ **United States Code section** 1232g.

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

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

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

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

## **VIII. DISSEMINATION OF POLICY AND TRAINING**

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)  
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)  
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)  
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)  
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)  
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)  
Minn. Stat. § 609.379 (Reasonable Force)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

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



**414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE**

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

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to fully comply with Minn. Stat. Ch. 260E requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

**III. DEFINITIONS**

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
  - 1. is not likely to occur and could not have been prevented by exercise of due care; and
  - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Juvenile Safety and Placement) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Mandated reporter" means any school personnel who knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years.
- E. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- F. "Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:
  - 1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health care, medical, or other care required for the child's physical or mental health when reasonably able to do so;
  - 2. failure to protect a child from conditions or actions that seriously endanger the

child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

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

Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

- G. "Nonmaltreatment mistake" occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- H. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful

custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

- I. "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions that are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child, or other substances that substantially affect the child's behavior, motor coordination, or judgment, or that result in sickness or internal injury, or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379, including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- J. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.

- K. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.

- L. "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor that constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation that requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory

Offenders).

- M. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.

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

- A. A mandated reporter shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- B. An oral report shall be made immediately by telephone or otherwise., The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing or investigating the report. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to whom a report is made, because of the report.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees. Knowingly or recklessly making

a false report also may result in discipline.

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

## **V. INVESTIGATION**

- A. The responsibility for assessing or investigating reports of suspected maltreatment rests with the appropriate state, county, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged offender is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

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

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

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

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

**VIII. DISSEMINATION OF POLICY AND TRAINING**

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)  
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)  
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)  
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)  
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)  
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)  
Minn. Stat. § 609.379 (Reasonable Force)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

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

Policy Adopted: May 11, 1998

Revised: August 9, 1999, July 18, 2005, June 2011, August 2014, May 2016, April 2017, Oct. 2017, December 2019, April 2021, June 2022

Reviewed: May 2018

Independent School District No. 110

Waconia, MN

7.B.7. 419 Tobacco Free Environment

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 419

Orig. 1995

Revised: \_\_\_\_\_

Rev. 202220

**419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION**

***[Note: School districts are not required by statute to have a policy addressing these issues. However, ~~Minn. Stat. §Minnesota Statutes section~~ 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate. Additionally, ~~Minn. Stat. §Minnesota Statutes section~~ 120B.238 requires that vaping prevention instruction be provided as set forth in this policy.]***

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

***[Note: The following language is not required by law, but is recommended by MSBA for inclusion in this policy.]***

- D. ***The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.***

### **III. DEFINITIONS**

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

### **IV. EXCEPTIONS**

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

**V. VAPING PREVENTION INSTRUCTION**

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The school district may use instructional materials based upon the Minnesota Department of Health’s school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school district’s locally developed health standards.

**[NOTE: In addition, school districts may choose to require (a) evidence-based vaping prevention instruction to students in grades 9 through 12; and/or (b) a peer-to-peer education program to provide vaping prevention instruction.]**

**VI. ENFORCEMENT**

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

**VII. DISSEMINATION OF POLICY**

- A. This policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)  
Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685 (Sale of Tobacco to ~~Children~~Persons Under Age 21)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
~~MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior~~

**419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION**

*[Note: School districts are not required by statute to have a policy addressing these issues. However, Minn. Stat. § 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate. Additionally, Minn. Stat. § 120B.238 requires that vaping prevention instruction be provided as set forth in this policy.]*

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

*[Note: The following language is not required by law but is recommended by MSBA for inclusion in this policy.]*

- D. *The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of*

*tobacco products or electronic delivery devices on school property or at school-sponsored events.*

### **III. DEFINITIONS**

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

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

#### V. VAPING PREVENTION INSTRUCTION

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

**[NOTE: In addition, school districts may choose to require (a) evidence-based vaping prevention instruction to students in grades 9 through 12; and/or (b) a peer-to-peer education program to provide vaping prevention instruction.]**

#### VI. ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.

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

## **VII. DISSEMINATION OF POLICY**

- A. This policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

***Legal References:*** Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)  
Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685 (Sale of Tobacco to Children)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

***Cross References:*** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

Policy Adopted: June 8, 1988

Revised: February 11, 2002, May 12, 2008, June 2011, August 2015, December 2018, December 2019, June 2021

Independent School District No. 110  
Waconia, MN

7.B.8. 420 Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 420

Orig. 1995

Revised: \_\_\_\_\_

Rev. 202215

**420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS**

***[Note: School districts are not required by statute to have a policy addressing these issues. However, ~~Minn. Stat. §Minnesota Statutes section~~ 121A.23 provides that school districts must have a program that incorporates the provisions contained in this policy.]***

**I. PURPOSE**

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including, but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

**II. GENERAL STATEMENT OF POLICY**

A. Students

The policy of the school board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

The policy of the school board is that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally, and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case

basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.

2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The school (title), along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular, and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's

policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Minnesota Commissioner of Health.

I. Prevention

The school district shall, with the assistance of the Minnesota Commissioners of Health and -Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. §Minnesota Statutes section 121A.23 ~~which-that~~ includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources, including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

J. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

**Legal References:** Minn. Stat. § 121A.23 (Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases)  
Minn. Stat. § 144.441-~~442~~ (Tuberculosis Screening in Schools)  
Minn. Stat. § 142 (Testing in School Clinics)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education ~~Improvement Act of 2004~~)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)  
29 C.F.R. 1910.1030 (~~Occupational Exposure to~~ Bloodborne Pathogens)  
*Kohl by Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8<sup>th</sup> Cir.), *cert. denied*, 493 U.S. 892, ~~110 S.Ct. 239~~ (1989)  
*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, ~~107 S.Ct. 1123~~ (1987)  
16 EHLR 712, OCR Staff Memo, April 5, 1990

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

**420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS**

*[Note: School districts are not required by statute to have a policy addressing these issues. However, Minn. Stat. § 121A.23 provides that school districts must have a program that incorporates the provisions contained in this policy.]*

**I. PURPOSE**

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including, but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

**II. GENERAL STATEMENT OF POLICY**

A. Students

The policy of the school board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

The policy of the school board is that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally, and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or

job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.

2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The school district, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular, and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. Prevention

The school district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk

reduction program; and

9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources, including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

J. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

**Legal References:** Minn. Stat. § 121A.23 (Health-Related Programs)  
Minn. Stat. § 144.441-442 (Tuberculosis)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)  
29 C.F.R. 1910.1030 (Occupational Exposure to Bloodborne Pathogens)  
*Kohl by Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8<sup>th</sup> Cir.), *cert. denied*, 493 U.S. 892, 110 S.Ct. 239 (1989)  
*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, 107 S.Ct. 1123 (1987)  
16 EHLR 712, OCR Staff Memo, April 5, 1990

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

Policy Adopted: March 9, 1987

Amended: February 8, 1992 / June 8, 1998 / August 9, 1999 / July 18, 2005 / May 12, 2008 / Oct. 2016/ December 9, 2019

Independent School District No. 110 Waconia, MN

7.B.9. 423 Employee Student Relationships

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 423

Orig. 1999

Revised: \_\_\_\_\_

Rev. 202209

## **423 EMPLOYEE-STUDENT RELATIONSHIPS**

### **I. PURPOSE**

The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

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

- A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of the school district and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
  - 1. Dating students.
  - 2. Having any interaction/activity of a sexual nature with a student.
  - 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.
  - 4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships.

***[Note: Such safeguards may include the following: avoiding altogether or minimizing physical contact, keeping doors open when talking or meeting with students one-on-one, and/or making sure that such meetings with a***

***student take place in rooms with windows and/or others nearby.]***

- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

**III. REPORTING AND INVESTIGATION**

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of the school district.
- B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

**IV. SCHOOL DISTRICT ACTION**

Upon receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the Minnesota Professional Educator Licensing and Standards Board or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

**V. SCOPE OF LIABILITY**

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

**Legal References:** Minn. Stat. § 13.43, Subd. 16 (~~School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact~~Personnel Data)  
Minn. Stat. § 122A.20, Subd. 2 (~~Mandatory Reporting to Professional Educator Licensing and Standards Board or Board of School Administrators~~Suspension or Revocation of Licenses)  
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (~~Employment; Contracts; Termination~~Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)  
Minn. Stat. §§ 609.341-609.352 (~~Defining “intimate parts” and “position of authority” as well as detailing various sex offenses~~Definitions)  
Minn. Stat. ~~Ch. 260E § 626.556~~ (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)  
Minn. Rules Part 8710.2100 (Code of Ethics for Minnesota Teachers)

**Cross References:** MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District,

School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 306 (Administrator Code of Ethics)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 421 (Gifts to Employees and School Board Members)  
MSBA/MASA Model Policy 507 (Corporal Punishment)

## **423 EMPLOYEE-STUDENT RELATIONSHIPS**

### **I. PURPOSE**

The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

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

- A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of the school district and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
  - 1. Dating students.
  - 2. Having any interaction/activity of a sexual nature with a student.
  - 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.
  - 4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships.

*[Note: Such safeguards may include the following: avoiding altogether or minimizing physical contact, keeping doors open when talking or meeting with students one-on-one, and/or making sure that such meetings with a student take place in rooms with windows and/or others nearby.]*

- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

### **III. REPORTING AND INVESTIGATION**

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of the school district.
- B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

### **IV. SCHOOL DISTRICT ACTION**

Upon receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the Minnesota Professional Educator Licensing and Standards Board or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

### **V. SCOPE OF LIABILITY**

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

**Legal References:** Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)  
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting to Professional Educator Licensing and Standards Board or Board of School Administrators)  
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate

discharge of teachers with license revocations due to child or sex abuse convictions)

Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)

Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)

Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)

Minn. Rules Part 8710.2100 (Code of Ethics for Minnesota Teachers)

***Cross References:*** MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 306 (Administrator Code of Ethics)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 421 (Gifts to Employees and School Board Members)  
MSBA/MASA Model Policy 507 (Corporal Punishment)

Policy Adopted: May 12, 2008

Revised: April 2009, June 2011, Oct. 2016, December 2018, December 9, 2019

Independent School District No. 110

Waconia, MN

7.B.10. 427 Workload Limits for Certain Special  
Education Teachers

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 427

Orig. 202215

Revised: \_\_\_\_\_

## 427 WORKLOAD LIMITS FOR CERTAIN SPECIAL EDUCATION TEACHERS

**[Note: School districts are required by Minnesota, Rules 3525.2340, Subpart. 4.B., to have a policy for determining the workload limits of special education staff who provide services to students who receive direct special education services 60 percent or less of the instructional day.]**

**[Note: Minn. Stat. §Minnesota Statutes section 179A.07, subdivisionSubd. 1, of the Public Employment Labor Relations Act (PELRA) provides that a public employer is not required to meet and negotiate on matters of inherent managerial policy. Matters of inherent managerial policy include, but are not limited to, the organizational structure, selection of personnel, and direction and number of personnel. MSBA's position is that this policy is not a mandatory subject of bargaining. School districts, therefore, are cautioned to not relinquish their inherent managerial right to determine workload limits for special education teachers.]**

### I. PURPOSE

The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services 60 percent or less of the instructional day.

### II. DEFINITIONS

#### A. Special Education Staff; Special Education Teacher

"Special education staff" and "special education teacher" both mean a teacher employed by the school district who is licensed under the rules of the Minnesota Professional Educator Licensing and Standards Board to instruct children with specific disabling conditions.

#### B. Direct Services

"Direct services" means special education services provided by a special education teacher or a related service professional when the services are related to instruction, including cooperative teaching.

#### C. Indirect Services

"Indirect services" means special education services provided by a special education teacher or a related service professional which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with ~~children with disabilities~~ the pupil to monitor and observe.

#### D. Workload

"Workload" means a special education teacher's total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and

reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

### **III. GENERAL STATEMENT OF POLICY**

- A. Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the superintendent.
- B. In determining workload limits for special education staff, the school district shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.

### **IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED**

This policy shall not be construed as a reopening of negotiations between the school district and the special education teachers' exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the school district set forth in the Public Employment Labor Relations Act or in the collective bargaining agreement between the school district and the special education teachers' exclusive representative.

**Legal References:** Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)  
Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions) ~~of "Direct Services," "Indirect Services," "Teacher," and "Workload"~~  
Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School-Age Educational Service Alternatives)

**Cross References:** MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
MSBA/MASA Model Policy 608 (Instructional Services – Special Education)

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#### B. Direct Services

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#### C. Indirect Services

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**Legal References:** Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)  
Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions of “Direct Services,” “Indirect Services,” “Teacher,” and “Workload”)  
Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School-Age Educational Service Alternatives)

**Cross References:** MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
MSBA/MASA Model Policy 608 (Instructional Services – Special Education)

Policy Adopted: August 2015  
Reviewed June 2021  
Amended: December 2018  
Waconia Public Schools  
ISD 110

7.B.11. 410 Family and Medical Leave Policy

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 410

Orig. 1995

Revised: \_\_\_\_\_

Rev. 20~~22~~15

## **410 FAMILY AND MEDICAL LEAVE POLICY**

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

### **I. PURPOSE**

The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with parenting leave under state law.

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

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

### **III. DEFINITIONS**

A. "Covered active duty" means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 [United States Code section U.S.C. § 101\(a\)\(13\)\(B\)](#).

B. "Covered servicemember" means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

C. "Eligible employee" means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence

from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless: (1) the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation; or (2) a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

- D. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.
- E. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- F. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
  - 1. a military medical treatment facility as an outpatient; or
  - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
  - 1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
  - 2. to attend military events and related activities of a covered military member;
  - 3. to address issues related to childcare and school activities of a covered military member's child;
  - 4. to address financial and legal arrangements for a covered military member;
  - 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
  - 6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;

7. to attend post-deployment activities related to a covered military member;
  8. to address ~~parental~~ care needs of a covered military member's parent who is incapable of self-care; and
  9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.
- H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
1. inpatient care in a hospital, hospice, or residential medical care facility; or
  2. continuing treatment by a health care provider.
- I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
- J. "Veteran" has the meaning given in 38 United States Code section U.S.C. § 101.

#### **IV. LEAVE ENTITLEMENT**

- A. Twelve-week Leave under Federal Law
1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
    - a. birth of the employee's child and to care for such child;
    - b. placement of an adopted or foster child with the employee;
    - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
    - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
    - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
  2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee's leave is to commence.

**[Note: An employer is permitted to choose any one of the following**

**methods for determining the 12-month period in which the 12 weeks of FMLA leave entitlement occurs: (a) the calendar year; (b) any fixed 12-month leave year, such as a fiscal year, a year required by State law, or a year starting on an employee's anniversary date;(c) the 12-month period measured forward from the date any employee's first FMLA leave; or (d) a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. It is recommended, however, that school districts use the 12-month rolling measurement as it prevents employees from stacking 12-week leave entitlement that could occur if, for example, a calendar or fiscal year is utilized. Where a calendar, fiscal or similar period is used, an employee could use 12 weeks at the end of the period and then again at the beginning of the period, providing an entitlement to a leave of 24 consecutive weeks. If a school district changes its definition of a "year" in this policy, it must give employees notice of at least 60 days before implementing this change.]**

3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
  - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
    - (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in

whole or in part, on the condition precipitating the need for military caregiver leave; or

- (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.
7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to

provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.

11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.
13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

The school district shall comply with written notice requirements as set forth in federal regulations.

14. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

B. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed to by the employerschool district. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employerschool district so

that the total leave does not exceed 12 weeks, unless agreed to by the employerschool district, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employerschool district reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

**V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.

- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the workdays in the leave period may be required to:
1. take leave for the entire period or periods of the planned medical treatment; or
  2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
  2. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
  3. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
- 4D. If the school district requires an instructional employee to extend leave through the end of a semester as set forth in this paragraph, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the school district to the end of the school term is not counted as FMLA leave but as an unpaid or paid leave, to the extent the instructional employee has accrued paid leave available and the school district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the conclusion of the leave.

## VI. OTHER

- A. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
- B. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

**VII. DISSEMINATION OF POLICY**

- A. ~~This policy~~A poster prepared by the U.S. Department of Labor summarizing the major provisions of the Family and Medical Leave Act and informing employees how to file a complaint—shall be conspicuously posted in each school district building in areas accessible to employees and applicants for employment.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. §§ 181.940-181.944 (Parenting Leave and Accommodations)  
10 U.S.C. § 101 *et seq.* (Armed Forces General Military Law)  
29 U.S.C. § 2601 *et seq.* (Family and Medical Leave Act)  
38 U.S.C. § 101 (Definitions)  
29 C.F.R. Part 825 (Family and Medical Leave Act)

**Cross References:** MSBA School Law Bulletin “M” (Licensed and Non-Licensed School District Employee Leave—~~Family and Medical Leave Act Summary~~)

## **410 FAMILY AND MEDICAL LEAVE POLICY**

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

### **I. PURPOSE**

The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with parenting leave under state law.

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

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

### **III. DEFINITIONS**

A. “Covered active duty” means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

B. “Covered servicemember” means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

C. “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her

Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

- D. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness.
- E. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- F. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
  - 1. a military medical treatment facility as an outpatient; or
  - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
  - 1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
  - 2. to attend military events and related activities of a covered military

member;

3. to address issues related to childcare and school activities of a covered military member's child;
4. to address financial and legal arrangements for a covered military member;
5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
7. to attend post-deployment activities related to a covered military member;
8. to address parental care needs; and
9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility; or
2. continuing treatment by a health care provider.

I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

J. "Veteran" has the meaning given in 38 U.S.C. § 101.

#### **IV. LEAVE ENTITLEMENT**

##### **A. Twelve-week Leave under Federal Law**

1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined

below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:

- a. birth of the employee's child and to care for such child;
  - b. placement of an adopted or foster child with the employee;
  - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
  - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
  - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee's leave is to commence.
  3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
  4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
  5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
    - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
    - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred

by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:

- (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
  - (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.
7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular

position, and which has equivalent pay and benefits.

8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.
11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.

13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

The school district shall comply with written notice requirements as set forth in federal regulations.

14. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

B. Twelve-week Leave under State Law

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed 12 weeks, unless agreed by the employer, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of

kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.

2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

## **V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the work days in the

leave period may be required to:

1. take leave for the entire period or periods of the planned medical treatment; or
  2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
  2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
  3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school district may require the employee to continue taking leave until the end of the semester.
- D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

## **VI. OTHER**

- A. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
- B. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

## **VII. DISSEMINATION OF POLICY**

- A. This policy shall be conspicuously posted in each school district building in areas accessible to employees.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. §§ 181.940-181.944 (Parenting Leave)  
10 U.S.C. § 101 *et seq.* (Armed Forces General Military Law)  
29 U.S.C. § 2601 *et seq.* (Family and Medical Leave Act)  
38 U.S.C. § 101 (Definitions)  
29 C.F.R. Part 825 (Family and Medical Leave Act)

**Cross References:** MSBA Service Manual, Chapter 13, School Law Bulletin “M” (Statutory Provisions Which Grant Leaves to Licensed as well as Non-Licensed School District Employees – Family and Medical Leave Act Summary)

Original Policy Adopted: May 11, 1998 / Amended: February 11, 2002/ Amended: November 9, 2009

Reviewed: April 2015 / May 2016 / June 2017 / May 2018 / December 2019 / April 2021/ June 2022

Independent School District No. 110  
Waconia, MN 55387

7.B.12. 413 Form: Harassment and Violence Report  
Form

**INDEPENDENT SCHOOL DISTRICT NO. 110  
HARASSMENT AND VIOLENCE REPORT FORM**

General Statement of Policy Prohibiting Harassment and Violence

Independent School District No. **110** maintains a firm policy prohibiting all forms of discrimination. **This policy strictly prohibits** harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability. **(Protected Class)**. All persons are to be treated with respect and dignity. Harassment or violence on the basis of ~~race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability~~ **Protected Class** by any pupil, teacher, administrator, or other school personnel, that creates an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

**Complainant** \_\_\_\_\_

**Home Address** \_\_\_\_\_

**Work Address** \_\_\_\_\_

**Home/Cell Phone** \_\_\_\_\_

**Work Phone** \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation, **including gender identity and expression** \ disability

Name of person you believe harassed or was violent toward you or another person or group.

\_\_\_\_\_

If the alleged harassment or violence was toward another person or group, identify that person or group.

\_\_\_\_\_

\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Where and when did the incident(s) occur? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List any witnesses who were present \_\_\_\_\_

\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_ has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

\_\_\_\_\_  
**Complainant Signature**

\_\_\_\_\_  
**Date**

**Received by** \_\_\_\_\_

\_\_\_\_\_  
**Date**

INDEPENDENT SCHOOL DISTRICT NO. 110  
HARASSMENT AND VIOLENCE REPORT FORM

General Statement of Policy Prohibiting Harassment and Violence

Independent School District No. 110 maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant \_\_\_\_\_  
Home Address \_\_\_\_\_  
Work Address \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation, including gender identity and expression \ disability

Name of person you believe harassed or was violent toward you or another person or group.  
\_\_\_\_\_

If the alleged harassment or violence was toward another person or group, identify that person or group. \_\_\_\_\_  
\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Where and when did the incident(s) occur? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any witnesses that were present \_\_\_\_\_  
\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_ has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

\_\_\_\_\_  
(Complainant Signature)

\_\_\_\_\_  
(Date)

Received by \_\_\_\_\_

\_\_\_\_\_  
(Date)

7.B.13. 415 Mandated Reporting of Maltreatment of  
Vulnerable Adults

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 415

Orig. 1995

Revised: \_\_\_\_\_

Rev. 201522

## 415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

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

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to ~~fully~~ comply fully with Minnesota Statutes section § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

### III. DEFINITIONS

#### A. "Abuse" means:

- 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
- 2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.

3. Any sexual contact or penetration as defined in Minn. Stat. § 609.341 between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subd. 2.

B. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

C. "Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).

D. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.

E. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

F. "Mandated Reporters" means a professional or professional's delegate while engaged in education. any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.

G. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.

H. "Neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.

I. Neglect also means the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § Minnesota Statutes section 626.5572, Subd. 17.

- J. "School personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- K. "Vulnerable Aadult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. Minnesota Statutes chapter 245A, except as excluded under Minn. Stat. §Minnesota Statutes section 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide adequately for the person's individual's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

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

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

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

**Legal References:** Minn. Stat. § 13.02 ([Government Data Practices; Collection, Security, and Dissemination of Records](#); Definitions)  
[Minn. Stat. Ch. 245A \(Human Services Licensing\)](#)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. § 609.232 ~~34~~ ([Crimes Against Vulnerable PersonsAdults; Definitions](#))  
~~Crimes Against the Person~~  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
*In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

**Cross References:** MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
[MSBA/MASA Model Policy 515 \(Protection and Privacy of Pupil Records\)](#)

## **415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS**

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

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

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

inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.

- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.
- G. "Caregiver" means an individual or facility who has responsibility for the care of a

vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

- H. “School Personnel” means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- I. “Immediately” means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

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

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

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

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

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

Policy Adopted: May 11, 1998 Revised: August 9, 1999, July 18, 2005, June 2011  
Reviewed: April 2015, May 2016, April 2017, May 2018, December 2019, April 2021, June 2022  
Independent School District No. 110  
Waconia, MN

7.B.14. 417 Chemical Use and Abuse

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 417

Orig. 1995

Revised: \_\_\_\_\_

Rev. 2022~~15~~

## 417 CHEMICAL USE AND ABUSE

***[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]***

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substance, medical cannabis, ~~toxic substances~~, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in ~~the school setting in~~ accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The ~~policy of this~~ school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement. ~~is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.~~
- C. ~~Every~~The school ~~district that participates in a school district chemical abuse program~~ shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- ~~D. The superintendent, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.~~
- ED. The school district shall establish and maintain a drug-free awareness program to for educate and assist its employees, and may establish a students, and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

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

### III. DEFINITIONS

- A. “Chemical abuse,” as applied to students, means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor’s student’s normal function in academic, school, or social activities is chronically impaired.
- ~~B. “Chemicals” includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district’s Drug-Free Workplace/Drug-Free School policy.~~
- B. “Controlled substances,” as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9; but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.
- ~~C. “Drug prevention” means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.~~
- ~~C. “Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.~~
- ~~D. “School location” includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.~~
- D. “Teacher” means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

#### IV. STUDENTS

##### A. Districtwide School Discipline Policy

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

##### AB. Programs and Activities Instruction

14. EveryThe school district shall develop, implement, and evaluate comprehensive provide an instructional programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes, in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff,

and members of the community in developing the curriculum.

*[Note: The Safe and Drug-Free Schools and Communities Act requires school districts to adopt and carry out a comprehensive drug and violence prevention program with funds received. Since a comprehensive drug prevention program is required and a school district is specifically authorized by state law to provide instructional programs in chemical abuse and the prevention of chemical dependency, this should be a component of each school district's mandatory program. In addition, the Safe and Drug-Free Schools and Communities Act specifies additional items which that may be included as part of the mandatory comprehensive drug prevention program. Some of the suggested items relating to instruction or training are detailed in Paragraphs 2. Through 6. Below and a school district may wish to adopt one or all of the listed components as part of its mandatory program.]*

2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

2. ~~Each school shall have age-appropriate and developmentally based activities that:~~

a. ~~address the consequences of violence and the illegal use of drugs, as appropriate;~~

b. ~~promote a sense of individual responsibility;~~

c. ~~teach students that most people do not illegally use drugs;~~

d. ~~teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;~~

e. ~~teach students about the dangers of emerging drugs;~~

f. ~~engage students in the learning process; and~~

g. ~~incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.~~

3. ~~Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.~~

4. ~~Each school shall disseminate drug and violence prevention information within the school and to the community.~~

5. ~~Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.~~

6. ~~Each school shall have drug and violence prevention activities that may include the following:~~

a. ~~Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.~~

b. ~~The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.~~

c. ~~Conflict resolution programs, including peer mediation programs that educate and train peer mediators and~~

~~a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.~~

~~d. ——— Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.~~

~~e. ——— Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.~~

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

~~1. ——— In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:~~

~~a. ——— The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.~~

~~b. ——— The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.~~

~~c. ——— The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.~~

~~d. ——— The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.~~

~~e. ——— The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.~~

~~2. ——— If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:~~

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

~~b. ——— The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.~~

- ~~1. 1. ——— A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.~~

**[Note: School districts are not required to participate in a chemical abuse program**

*or establish a chemical abuse preassessment team pursuant to state law. Schools are required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse preassessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]*

32. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals ~~shall~~ may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section ~~§~~ 121A.40-121A.56, and proposed for expulsion.
43. Searches by school district officials in connection with the ~~abuse, possession, or transfer, distribution, or sale~~ of alcohol or a controlled substance chemicals will be conducted in accordance with school board policies related to search and seizure.
4. Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

DC. Preassessment Team

1. Every school that participates in a school district chemical abuse program shall ~~establish~~ have a chemical abuse preassessment team designated by the superintendent or designee. The team ~~must~~ will be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff ~~to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.~~ For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

ED. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section § 13.32 and applicable federal law and regulations.
2. Destruction of Records
  - a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.

- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with ~~such~~ information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. ~~This section shall govern~~ Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding ~~provisions of the Records Management Act, Minnesota Statutes section~~ § 138.163 (Preservation and Disposal of Public Records).

**FE. Consent**

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

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

**F. School and Community Advisory Team**

1. ~~The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school preassessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.~~

2. ~~The advisory team shall:~~

a. ~~build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and~~

b. ~~develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.~~

**V. EMPLOYEES**

A. ~~The school district shall establish~~ superintendent or designee shall undertake and maintain a drug-free awareness ~~and prevention~~ program to inform employees, ~~students, and others~~ about:

- 1. The dangers ~~and health risks of chemical~~ of drug abuse in the workplace/school.
- 2. The school district's ~~drug-free workplace/drug-free school~~ policy of maintaining a drug-free workplace.
- 3. ~~Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or employee assistance programs available to employees and/or students.~~

4. The penalties that may be imposed on employees for drug abuse violations.

- B. The ~~school district superintendent or designee~~ shall notify ~~any~~ federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice ~~from the employee or otherwise receiving actual notice~~ of ~~any criminal drug statute~~ conviction ~~of an employee for a criminal drug statute violation~~ occurring in the workplace. ~~To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.~~

~~[Note: Notification to the federal granting agency within ten (10) days is required by the Drug-Free Workplace Act. 41 U.S.C. § 8103.]~~

**Legal References:**

Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 124D.695 (Approved Recovery Program Funding)  
Minn. Stat. § 126C.44 (Safe Schools Levy)  
Minn. Stat. § 138.163 (Preservation and Disposal of Public Records) ~~Records Management Act~~  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
Minn. Stat. § 152.01 (Definitions)  
Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)  
Minn. Stat. § 152.22 (~~Medical Cannabis~~; Definitions; Medical Cannabis)  
Minn. Stat. § 152.23 (~~Medical Cannabis~~; Limitations; Medical Cannabis)  
Minn. Stat. § 299A.33 (DARE Program)  
Minn. Stat. § 466.07, subd. 1 (Indemnification Required)  
Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses; Minimum Fines)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. §§ 7101-716522 (Student Support and Academic Enrichment Grants)~~Safe and Drug-Free Schools and Communities Act~~  
20 U.S.C. § 5812 (National Education Goals)  
20 U.S.C. § 7175 (Local Activities)  
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
34 C.F.R. Part 84 (Government-~~w~~Wide Requirements for Drug-Free Workplace)

**Cross References:**

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)  
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

## **417 CHEMICAL USE AND ABUSE**

*[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]*

### **I. PURPOSE**

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

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

- A. Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the school setting in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The policy of this school district is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. The school district shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The superintendent, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.
- E. The school district shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

*[Note: Comprehensive drug prevention programs are required to be adopted and carried out by school districts pursuant to the Safe and Drug-Free Schools and Communities Act. In addition, school districts are required by the Drug-Free Workplace Act to establish drug-free awareness programs for school district employees. Further, state law authorizes school districts to provide instructional programs in chemical abuse and the prevention of chemical dependency.]*

### **III. DEFINITIONS**

- A. “Chemical abuse” means use of any psychoactive or mood-altering chemical

substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.

- B. "Chemicals" includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district's Drug-Free Workplace/Drug-Free School policy.
- C. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. "School location" includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

#### IV. STUDENTS

##### A. Instruction

1. Every school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.

*[Note: The Safe and Drug-Free Schools and Communities Act requires school districts to adopt and carry out a comprehensive drug and violence prevention program with funds received. Since a comprehensive drug prevention program is required and a school district is specifically authorized by state law to provide instructional programs in chemical abuse and the prevention of chemical dependency, this should be a component of each school district's mandatory program. In addition, the Safe and Drug-Free Schools and Communities Act specifies additional items which may be included as part of the mandatory comprehensive drug prevention program. Some of the suggested items relating to instruction or training are detailed in Paragraphs 2. through 6. below and a school district may wish to adopt one or all of the listed components as part of its mandatory program.]*

2. Each school shall have age-appropriate and developmentally based activities that:
  - a. address the consequences of violence and the illegal use of drugs, as

- appropriate;
- b. promote a sense of individual responsibility;
  - c. teach students that most people do not illegally use drugs;
  - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
  - e. teach students about the dangers of emerging drugs;
  - f. engage students in the learning process; and
  - g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
  4. Each school shall disseminate drug and violence prevention information within the school and to the community.
  5. Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
  6. Each school shall have drug and violence prevention activities that may include the following:
    - a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
    - b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.
    - c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.

- d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
- e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

- 1. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
  - a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
  - b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.
  - d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.
  - e. The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
- 2. If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:
  - a. The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the

student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.

- b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
3. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56, and proposed for expulsion.
4. Searches by school district officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.

C. Preassessment Team

1. Every school shall have a chemical abuse preassessment team designated by the superintendent or designee. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
2. Destruction of Records
  - a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse,

records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.

- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

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

F. School and Community Advisory Team

- 1. The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school preassessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.
- 2. The advisory team shall:
  - a. build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and
  - b. develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.

**V. EMPLOYEES**

- A. The superintendent or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:
  - 1. The dangers and health risks of chemical abuse in the workplace/school.

2. The school district's drug-free workplace/drug-free school policy.
  3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.
  4. The penalties that may be imposed on employees for drug abuse violations.
- B. The superintendent or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.

***[Note: Notification to the federal granting agency within ten (10) days is required by the Drug Free Workplace Act. 41 U.S.C. § 8103.]***

***Legal References:*** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 138.163 (Records Management Act)  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

***Cross References:*** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

Policy Adopted: April 14, 1980 / Amended November 14, 1988 / Amended: December 9, 1996 / June 8, 1998 / February 11, 2002 / May 12, 2008 / Oct. 2016 / Reviewed: December 9, 2019

Independent School District No. 110  
Waconia, MN

7.C. Resolution Proposing to Place Continuing  
Contract/Tenured Teachers on Unrequested Leave of  
Absence (ROLL CALL VOTE)

**Presenter:** Dr. Enid  
Schonewise, Director  
of Human Resources

**Waconia Public Schools**  
**Resolution Proposing Placement of a Continuing Contract/Tenured**  
**Teachers on Unrequested Leave of Absence**

\_\_\_\_\_ introduced the following resolution and moved its adoption:

BE IT RESOLVED by the School Board of Independent District No. 110, as follows:

That it is proposed that **Marjorie Anderson (0.5FTE), Jeff Bessire, Brenna Carda, Carol Esser, Laura Gingras, Jose Martinez, Carey Sang, and Jena Witkowski-Oconitrillo** continuing contract/tenured teachers of said District, be placed on unrequested leave of absence without pay or fringe benefits, at the end of the 2022 -2023 school year. Said action is taken in accordance with the District Master Agreement and pursuant to Minn. Stat. 122A.40, subd. 10. upon the grounds described in said statute and is specified as follows: **financial limitations.**

BE IT FURTHER RESOLVED, that a notice of proposed placement on unrequested leave, together with a copy of this resolution be forwarded to said teachers and that an affidavit of the same be placed in said teacher's personnel file with a copy of the notice and resolution.

The motion for the adoption of the preceding resolution was duly seconded by

\_\_\_\_\_ and upon vote being taken thereon,

The following voted in favor thereof:

The following voted against the same:

Whereupon said resolution was declared duly passed and adopted on **April 24, 2023.**

8. **DISCUSSION ITEMS**

8.A. First Read Board Policies

8.A.1. 510 Student Activities

**Presenter:** Jill  
Johnson, Director of  
Activities

## 510 STUDENT ACTIVITIES

### I. Purpose

The purpose of this policy is to identify the position and philosophy of Waconia Independent School District #110 related to the Student Activities program.

### II. General Statement of Policy

District 110 recognizes that the Student Activities program is an integral part of the school district's total educational program. Student activities are intended to provide educational experiences not otherwise provided in the instructional curriculum. They complement the curriculum by providing students with additional opportunities for growth and development.

### III. Definitions

#### A. Curricular Activities

“Curricular activities” means those portions of the school program for which credit is granted, whether the activity is part of a required or elective program.

#### B. Extra-Curricular Activities

“Extra-curricular activities” means all direct personal services for students for their education or enjoyment that are managed and operated under the guidance of an adult or staff member hired by the school district. Extra-curricular activities have the following characteristics:

1. They are not offered for school credit nor required for graduation.
2. They generally are conducted outside school hours or, if partly during school hours, at times agreed upon by the participants and approved by school authorities.

### IV. Responsibilities

#### A. School Board

The responsibilities of the District 110 School Board will include:

1. Developing, adopting and reviewing all District 110 policies related to District 110 Student Activities Communications:
2. Ensuring that any funds raised for extra-curricular activities will be spent only on extracurricular activities.

#### B. Administration

The responsibilities of the District 110 Administration will include:

1. Supervision/Evaluation: Supervision and evaluation of District 110 Activities Director and staff.
2. Communications: Ensure timely internal and external communications occur related to the student activities program.
3. Discipline: Assist in facilitating necessary disciplinary action related to student activities, including all District 110 policies and codes of conduct, and the policies of the Minnesota State High School League (MSHSL).

#### C. Activities Director

The responsibilities of the District 110 Activities Director will include:

1. Administration: Administer and oversee all student activities programs, including coordination and scheduling of practices, contests, and events.
2. Supervision/Evaluation: Supervise/evaluate all student activities' advisors, coaches, directors, and support staff.
3. Eligibility: Verify the participation eligibility for all members of interscholastic activities referencing MSHSL and District 110 policies.

#### D. Coaches/Advisors/Directors

1. Provide leadership and complete the duties of their respective students activities area as assigned and defined, and in a professional manner.
2. Coaches/advisors/directors are considered employees of the school district. All coaches/advisors/directors and volunteers must undergo the school district application and/or background check process at their own expense.
3. All coaches/advisors/directors and volunteers must adhere to all District 110 policies and codes of conduct, as well as the policies of the MSHSL.

#### E. Spectators

All spectators at District 110 sponsored activities, including parents, employees, and other members of the public are expected to behave in an appropriate manner. Students and employees may be subject to discipline, and parents and other spectators may be subject to sanctions for engaging in misbehavior or inappropriate, illegal, or unsportsmanlike behavior at these activities or events.

#### F. Students

All students who participate in District 110 sponsored activities do so as representatives of their school and community and must show good sportsmanship and adhere to all District 110 and MSHSL policies and codes of conduct.

G. Minnesota State High School League (MSHSL)

Serves as the state governing organization for the interscholastic and fine arts programs of the district.

V. Sponsored Student Activities

A. Student activities are considered District 110 Sponsored provided they meet the following criteria:

1. Organized by a school site's leadership team.
2. Conducted by District 110 personnel.
3. Composed of current student body members.
4. Conduct a majority of meetings, practices, and events at a District 110-approved site.
5. Provide a process for the selection of members.
6. Establish aims, which are educational in value.
7. Meet the interests of the school.

A new proposed student activity must be formally reviewed by District 110 Administration and approved by the District 110 School Board to become a District 110 Sponsored Activity.

- B. Each approved District 110 Sponsored activity should be listed on the District 110 website, and a list should be available at the Student Activities Office (WHS) and the middle school office. The Activities Director will update the list of District 110 Sponsored Activities annually, prior to the start of each school year.
- C. District 110 Student Activities programs are available to all students who meet the eligibility requirements of District 110 and the MSHSL. All participants must meet the registration requirements before participating in any District 110 sponsored activity, including completion of paperwork and payment of the activity fee.
- D. All participants in District 110 Student Activities programs must follow District 110 policies and codes of conduct, and the policies of the MSHSL.
- E. All interscholastic athletic programs must comply with federal Title IX regulations related to gender equity. An annual report must be submitted to the Minnesota Department of Education regarding gender compliance.
- F. The District 110 secondary administration, Activities Director, and appropriate staff will develop procedures and rules to address District 110 Student Activities programs.

## VI. Procedures and Requirements

### A. Seasonal Definitions

All District 110 sponsored extra-curricular programs will have a defined season, which will fall into one of the following categories: 1) Fall Season; 2) Winter Season; 3) Spring Season; or 4) Academic Year Season. Minnesota State High School League sponsored athletic and fine arts activities will follow the season calendar (start & end dates) prescribed by the MSHSL. All other District 110 sponsored extra-curricular activity seasons will be defined by a start and end date for the seasonal category into which the activity is placed. The seasonal definitions and parameters will be made available on the District 110 website, as well as in the District 110 Student Activities (WHS) and the middle school offices.

### B. Participation Levels

The grades for eligibility for all District 110 Student Activities programs are available on the District 110 website, in the District 110 Student Activities Office (WHS) and in the middle school office.

### C. Participation Fees

1. Participation fees may be assessed for student participation in District 110 Student Activities programs. A partial or full waiver participation fee waiver may be an option for eligible students. These forms can be obtained at the District 110 Administrative Office. The fee structure will be made available on the District 110 website, as well as in the District 110 Student Activities (WHS) and the middle school offices. These fees are reviewed and approved by the District 110 Director of Finance and Operations annually.
2. A full refund may be issued prior to the first contest conducted in the activity. Any refunds issued after the first contest shall be made at the discretion of the Activities Director.

### D. Activity Conflicts for the Multiple Activity Participant

Participation in multiple extra-curricular activities can contribute to a broader and well-rounded education. District 110 strongly supports students participating in multiple activities that individually meet their needs and interests. Students who choose to participate in multiple activities can expect to incur additional challenges with time management, organization, and participation commitments. The information, statement of philosophy, and the process and supporting information for students with participation conflicts will be made available on the District 110 website, as well as in the District 110 Student Activities (WHS) and the middle school offices.

#### E. Official Wildcat Logo

The official District 110 school colors of the district are purple and gold. The mascot for District 110 athletic and fine arts teams is the “Wildcat.” The official District 110 logo of the “Wildcat” is for official school district use only. Any non-district use requests for the official “Wildcat” must be approved by District 110 Administration.

#### F. Sportsmanship

Participants, coaches/advisors, parents, spectators, students, and staff are required to exhibit positive sportsmanship at all events and adhere to all District 110 and MSHSL policies and codes of conduct.

#### LEGAL REFERENCES

Minn. Stat. § 123B.025 (School Sponsorship and Advertising Revenue)  
Minn. Stat. § 123B.02, Subd. 6 (Bequests, Donations, Gifts)  
Minn. Stat. § 123B.03 (Background Check Required)  
Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 123B.37 (Prohibited Fees)  
Minn. Stat. § 123B.49 (Extra-Curricular Activities; Insurance)  
Minn. Stat. § 148.271 (Nurse Practice Act)  
Minn. Stat. § 465.03 (Gifts)  
Minn. Stat. § 609.761, Subd. 5 (High School Raffles)  
*Sonkowsky v. Board of Educ. For Indep. Sch. Dist. No. 721*, 327 F.3d 675 (8<sup>th</sup> Cir. 2003)  
Minnesota Department of Education *UFARS Manual*, Chapter 14 (Student Activities Accounting)  
MSHSL Official Handbook, Beliefs  
MSHSL Official Handbook, Calendar of State Events  
MSHSL Bylaw 206.00 § 2  
MSHSL Bylaw 410.00 § 2A

#### CROSS REFERENCES

Policy 102 (Equal Educational Opportunity)  
Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
Policy 404 (Employment Background Checks)  
Policy 412 (Expense Reimbursement)  
Policy 413 (Harassment and Violence)  
Policy 417 (Chemical Use and Abuse)  
Policy 418 (Drug-free Workplace/Drug-free School)  
Policy 419 (Tobacco Free Environment and Enforcement)  
Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)  
Policy 421 (Gifts to Employees)  
Policy 423 (Employee-Student Relationships)  
Policy 433 (Volunteer Service in District 110)

Policy 501 (School Weapons Policy)  
Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
Policy 505 (Distribution of Non-School Sponsored Materials on School Premises By Students and Employees)  
Policy 503 (Student Attendance)  
Policy 506 (Student Discipline)  
Policy 510 (School Activities)  
Policy 511 (Fundraising)  
Policy 514 (Bullying Prohibition Policy)  
Policy 516 (Student Medication)  
Policy 517 (Student Recruiting)  
Policy 518 (DNR – DNI Orders)  
Policy 519 (Interviews of Students By Outside Agencies)  
Policy 522 (Student Sex Non-Discrimination)  
Policy 524 (Internet Acceptable Use and Safety)  
Policy 525 (Violence Prevention)  
Policy 526 (Hazing Prohibition)  
Policy 610 (Field Trips and Travel)  
Policy 706 (Acceptance of Gifts)  
Policy 707 (Transportation of Public School Students)  
Policy 709 (Student Transportation Safety Policy)  
Policy 710 (Extracurricular Transportation)  
Policy 801 (Equal Access to School Facilities)  
Policy 902 (Facility Use)  
Policy 905 (Advertising)  
Policy 908 (District Acceptance and Use of Contributions from Individuals and Groups for Educational Program Support)  
Policy 910 (Admission to Extra-Curricular Events)  
Policy 911 (Booster Communications)  
District 110 Code of Ethics, District 110 Team/Parent Handbook, Policies/Guidelines  
MN Statute 123B.49, Subd 4 - Board control of extracurricular activities

Policy Adopted: July 2003

Revised: November 2005 / January 2010 / May 2014 / November 2020

Independent School District #110

Waconia, MN

8.A.2. 508 Extended School Year for Certain  
Students with IEP

**Presenter:** Paul  
Tordoff, Director of  
Special Education

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 508

Revised: \_\_\_\_\_  
202207

Orig. 1995  
Rev.

**508 EXTENDED SCHOOL YEAR FOR CERTAIN STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS**

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

**I. PURPOSE**

The purpose of this policy is to ensure that the school district complies with the overall requirements of law as mandated for certain students subject to individualized education programs (IEPs) when necessary to provide a free appropriate public education (FAPE).

**II. GENERAL STATEMENT OF POLICY**

- A. Extended School Year Services Must Be Available to Provide a FAPE. The school district shall provide extended school year (ESY) services to a student who is the subject of an IEP if the student's IEP team determines the services are necessary during a break in instruction in order to provide a FAPE.
- B. Extended School Year Determination. At least annually, the IEP team must determine that a student is in need of ESY services if the student meets any of the following conditions:
1. There will be significant regression of a skill or acquired knowledge from the student's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate; OR
  2. Services are necessary for the student to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the student's age and level of development, and the timeliness for teaching the skill; OR
  3. The IEP team otherwise determines, given the student's unique needs, that ESY services are necessary to ensure the pupil receives a FAPE.
- C. Required Factors Schools Must Consider in Making ESY Determinations. The IEP team must decide ESY eligibility using information including:
1. Prior observations of the student's regression and recoupment over the summer;
  2. Observations of the student's tendency to regress over extended breaks in

instruction during the school year; and

3. Experience with other students with similar instructional needs.

D. Additional Factors to Consider, Where Relevant. In making its determination of ESY needs, the following factors must be considered, where relevant:

1. The student's progress and maintenance of skills during the regular school year.
2. The student's degree of impairment.
3. The student's rate of progress.
4. The student's behavioral or physical problems.
5. The availability of alternative resources.
6. The student's ability and need to interact with nondisabled peers.
7. The areas of the student's curriculum which need continuous attention.
8. The student's vocational needs.

E. No Unilateral Decisions.

In the course of providing ESY services to children with disabilities, the school district may not unilaterally limit the type, amount, or duration of those services.

F. Services to Nonresident Students Temporarily Placed in School District.

A school district may provide ESY services to nonresident children with disabilities temporarily placed in the school district in accordance with applicable state law.

**Legal References:** Minn. Stat. § 125A.14 (Extended School Year)  
Minn. Rules Part 3525.0755  
20 U.S.C. § 1400 ~~et seq.~~ (Individuals ~~with~~ Disabilities ~~Education Improvement Act of 2004~~)  
34 C.F.R. Part 300 (IDEA Regulations Assistance to States for the Education of Children with Disabilities)

**Cross References:** None

**508 EXTENDED SCHOOL YEAR FOR CERTAIN STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS**

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

**I. PURPOSE**

The purpose of this policy is to ensure that the school district complies with the overall requirements of law as mandated for certain students subject to individualized education programs (IEPs) when necessary to provide a free appropriate public education (FAPE).

**II. GENERAL STATEMENT OF POLICY**

A. Extended School Year Services Must Be Available to Provide a FAPE. The school district shall provide extended school year (ESY) services to a student who is the subject of an IEP if the student's IEP team determines the services are necessary during a break in instruction in order to provide a FAPE.

B. Extended School Year Determination. At least annually, the IEP team must determine that a student is in need of ESY services if the student meets any of the following conditions:

1. There will be significant regression of a skill or acquired knowledge from the student's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate; OR
2. Services are necessary for the student to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the student's age and level of development, and the timeliness for teaching the skill; OR
3. The IEP team otherwise determines, given the student's unique needs, that ESY services are necessary to ensure the pupil receives a FAPE.

C. Required Factors Schools Must Consider in Making ESY Determinations. The IEP team must decide ESY eligibility using information including:

1. Prior observations of the student's regression and recoupment over the summer;
2. Observations of the student's tendency to regress over extended breaks in instruction during the school year; and
3. Experience with other students with similar instructional needs.

- D. Additional Factors to Consider, Where Relevant. In making its determination of ESY needs, the following factors must be considered, where relevant:
1. The student's progress and maintenance of skills during the regular school year.
  2. The student's degree of impairment.
  3. The student's rate of progress.
  4. The student's behavioral or physical problems.
  5. The availability of alternative resources.
  6. The student's ability and need to interact with nondisabled peers.
  7. The areas of the student's curriculum which need continuous attention.
  8. The student's vocational needs.
- E. No Unilateral Decisions. In the course of providing ESY services to children with disabilities, the school district may not unilaterally limit the type, amount, or duration of those services.
- F. Services to Nonresident Students Temporarily Placed in School District. A school district may provide ESY services to nonresident children with disabilities temporarily placed in the school district in accordance with applicable state law.

**Legal References:** Minn. Stat. § 125A.14 (Extended School Year)  
Minn. Rules Part 3525.0755  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
34 C.F.R. Part 300

**Cross References:**

Policy Adopted: June 11, 2002  
reviewed November 2005, reviewed August 2015, reviewed February 2020

Independent School District 110  
Waconia, MN

8.A.3. 532 Use of Peace Officers and Crisis  
Teams to Remove Students with IEP's from School  
Grounds

**Presenter:** Paul  
Tordoff, Director of  
Special Education

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 532

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Revised: \_\_\_\_\_

Rev. 2022

## **532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS**

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

***[Note: Minnesota Laws 2009, Chapter 96, made a number of changes to the laws and rules governing the use of "conditional procedures" with respect to special education students. Specifically, Chapter 96 repealed, EFFECTIVE AUGUST 1, 2011, Minnesota Statutes sections 121A.66, 121A.67, Subd. 1, as well as Minnesota Rules 3525.0210, Subparts 5, 6, 9, 13, 17, 29, 30, 46, 47, and 3525.2900, Subp. 5. These laws and rules were replaced, effective August 1, 2011, with a restrictive procedures law which generally addresses the restraint of special education students. Also note that the restrictive procedures law contains a significant staff training component, found at Minnesota Statutes section 125A.0942, Subds. 1, 2, and 5. Staff who intend to use restrictive procedures must be trained in the areas specified in Subd. 5 to use these procedures.]***

### **I. PURPOSE**

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

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

The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

### **III. DEFINITIONS**

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- B. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.

- C. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- D. "Police liaison officer" is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- E. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

#### **IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS**

##### **A. Removal By Crisis Team**

If the behavior of a student with an IEP escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

##### **B. Removal By Police Liaison Officer or Peace Officer**

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family

Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

***[Note: If the school district uses a different reference name for its student records policy, insert that name in place of the reference to Protection and Privacy of Pupil Records, which is the title of MSBA/MASA Model Policy 515.]***

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minnesota Statutes section 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes Chapter 260E;
6. Physical holding (as defined in Minnesota Statutes section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or
8. Denying a child access to toilet facilities.

D. Parental Notification

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes section 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
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20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))  
20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education ~~Improvement Act of 2004 (IDEA)~~)  
34 C.F.R. § 300.535 (~~Referral to and Action by Law Enforcement and Judicial Authorities~~ IDEA Regulation Regarding Involvement of Law Enforcement)

**Cross References:** MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
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MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)

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5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Stat. § 626.556;
6. Physical holding (as defined in Minn. Stat. § 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
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- G. Reporting to the Minnesota Department of Education (MDE) Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability

**Legal References:** Minn. Stat. § 13.01, *et seq.* (Minnesota Government Data Practices Act)  
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**Cross References:** MSBA/MASA Model Policy 506 (Student Discipline)  
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MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)

Policy Adopted: April 2006  
Reviewed August 2015, revised February 2020  
Independent School District 110  
Waconia, MN

8.A.4. 516 Student Medication

**Presenter:** Sara  
Eischens, District  
Health Coordinator

## **516 STUDENT MEDICATION**

### **I. PURPOSE**

The purpose of this policy is to set forth the provisions that must be followed when administering nonemergency prescription medication to students at school.

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

The school district acknowledges that some students may require prescribed drugs or medication during the school day. The school district's licensed school nurse, trained health associate, principal, trained school staff, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and school district procedures. All medications administered by school staff must be FDA approved and listed in the Physician's Desk Reference (PDR).

The school district will not administer medications, including herbal medicines that are not approved by the Food and Drug Administration (FDA) Prescription medications as used in this policy does not include any form of medical cannabis as defined in Minn. Stat § 152.22, Subd. 6.

### **III. REQUIREMENTS**

- A. The administration of prescription medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the school district may rely on an oral request until a written request is received.
- B. An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minn. Stat. § 152.22, Subd. 6.
- C. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label.
- D. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
- E. Prescription medications are not to be carried by the student, but will be left with the appropriate school district personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Part J.5. below), and medications administered as noted in a written agreement between the school district, parent/legal guardian, and authorized prescriber, or as specified in an Individualized Education Program (IEP), Section 504 plan, or Individual Health Plan (IHP).

- F. The school must be notified immediately by the parent or student 18 years old or older in writing of any change in the student's prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.
- G. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.
- H. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.
- I. Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school district under Minn. Stat. § 121A.21). The district medication administration and management procedures will adhere to this policy and be kept on file with the Health Services Department.
- J. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.
- K. Specific Exceptions:
  - 1. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;
  - 2. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;
  - 3. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;
  - 4. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;

5. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
  - a. the school district has received a written authorization from the pupil's parent permitting the student to self-administer the medication;
  - b. the inhaler is properly labeled for that student; and
  - c. the parent has not requested school personnel to administer the medication to the student.

The parent must submit written authorization for the student to self-administer the medication each school year. In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the school district employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers;

6. Medications:
  - a. that are used off school grounds; except as part of a district sponsored field trip.
  - b. that are used in connection with athletics or extracurricular activities; or
  - c. that are used in connection with activities that occur before or after the regular school day are not governed by this policy.
7. Nonprescription Medication. A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the

school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.

8. At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine auto-injectors that enables the student to:
  - a. possess epinephrine auto-injectors; or
  - b. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors in close proximity to the student at all times during the instructional day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine auto-injectors when required, consistent with state law. This health plan may be included in a student's 504 plan.

9. A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.

L. "Parent" for students 18 years old or older is the student.

M. Districts and schools may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine.

A district or school may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

N. Procedure regarding unclaimed drugs or medications.

1. The school district has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the school district shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually, but may occur more frequently at the discretion of the school district.
  
2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes § 152.01, subdivision 4, or is an over-the-counter medication, the school district will either designate an individual who shall be responsible for transporting the drug or medication to a designated drop-off box or collection site or request that a law enforcement agency transport the drug or medication to a drop-off box or collection site on behalf of the school district.
  
3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes § 152.01, subdivision 4, the school district or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The school district must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

**Legal References:** Minn. Stat. § 13.32 (Student Health Data)  
Minn. Stat. § 121A.21 (Hiring of Health Personnel)  
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)  
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)  
Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Auto-Injectors; Model Policy)  
Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Auto-Injectors)  
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)  
Minn. Stat. § 152.01 (Definitions)  
Minn. Stat. § 151.212 (Label of Prescription Drug Containers)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

***Cross References:*** MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Policy Adopted: July 8, 2002, revised February 9, 2009, revised August 2021

Independent School District No. 110  
Waconia, MN 55387

8.A.5. 518 DNR DNI Orders

**Presenter:** Sara  
Eischens, District  
Health Coordinator

## 518 DNR-DNI ORDERS

### I. PURPOSE

The school district recognizes that it is serving students with complex health needs. The school district also recognizes that school district staff may be confronted with requests to withhold emergency care of a student in the event of a life threatening situation at school or school activities or be presented with Do Not Resuscitate/Do Not Intubate (DNR-DNI) orders. The purpose of this policy is to provide guidance to school district staff and parents or guardians in these situations.

### II. GENERAL STATEMENT OF POLICY

- A. The primary mission of the school district is education. DNR-DNI Orders are medical documents. School district staff will not accept or honor requests to withhold emergency care or DNR-DNI orders. The school district will not convey such orders to emergency medical personnel.
- B. School district staff will provide reasonable emergency care and assistance when a student is undergoing a medical emergency during school or school activities.
- C. School district staff will activate emergency medical services (911) as soon as possible when a student is undergoing a medical emergency during school or school activities.
- D. The parent/guardian will be notified of the emergency as soon as possible.
- E. Notwithstanding this school district policy, IEP and Section 504 teams must develop individualized medical emergency care plans for students when appropriate in accordance with state and federal law.
- F. Parents/guardians who request that emergency care be withheld for their child or who present DNR-DNI Orders, shall be advised of and shall be given a copy of this policy.

**Legal References:** 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C. §§ 12101-12213 (Americans with Disabilities Act)

**Cross References:**

Policy Adopted: May 2003  
Reviewed December 19, 2005, reviewed January 2013, reviewed February 2020  
Independent School District 110  
Waconia, MN



8.A.6. 530 Immunization Requirements

**Presenter:** Sara  
Eischens, District  
Health Coordinator

## **530 IMMUNIZATION REQUIREMENTS**

### **I. PURPOSE**

The purpose of this policy is to require that all students receive the proper immunizations as mandated by law to ensure the health and safety of all students.

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

All students are required to provide proof of immunization, or appropriate documentation exempting the student from such immunization, and such other data necessary to ensure that the student is free from any communicable diseases, as a condition of enrollment.

### **III. STUDENT IMMUNIZATION REQUIREMENTS**

- A. No student may be enrolled or remain enrolled, on a full-time, part-time, or shared-time basis, in any elementary or secondary school within the school district until the student or the student's parent or guardian has submitted to the designated school district administrator the required proof of immunization. Prior to the student's first date of attendance, the student or the student's parent or guardian shall provide to the designated school district administrator one of the following statements:
  - 1. a statement, from a physician, advanced practice registered nurse, physician assistant, or a public clinic which provides immunizations, (hereinafter "medical statement"), affirming that the student received the immunizations required by law, consistent with medically acceptable standards; or
  - 2. a medical statement affirming that the student received the primary schedule of immunizations required by law and has commenced a schedule of the remaining required immunizations, indicating the month and year each immunization was administered, consistent with medically acceptable standards.
- B. The statement of a parent or guardian of a student or an emancipated student may be substituted for the medical statement. If such a statement is substituted, this statement must indicate the month and year each immunization was administered. Upon request, the designated school district administrator will provide information to the parent or guardian of a student or an emancipated student of the dosages required for each vaccine according to the age of the student.
- C. The parent or guardian of persons receiving instruction in a home school shall submit one of the statements set forth in Section III.A. or III.B., above, or

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statement of immunization set forth in Section IV., below, to the superintendent of the school district by October 1 of the first year of their home schooling in Minnesota and the grade 7 year.

- D. When there is evidence of the presence of a communicable disease, or when required by any state or federal agency and/or state or federal law, students and/or their parents or guardians may be required to submit such other health care data as is necessary to ensure that the student has received any necessary immunizations and/or is free of any communicable diseases. No student may be enrolled or remain enrolled in any elementary or secondary school within the school district until the student or the student's parent or guardian has submitted the required data.
- E. The school district may allow a student transferring into a school a maximum of 30 days to submit a statement specified in Section III.A. or III.B., above, or Section IV., below. Students who do not provide the appropriate proof of immunization or the required documentation related to an applicable exemption of the student from the required immunization within the specified time frames shall be excluded from school until such time as the appropriate proof of immunizations or exemption documentation has been provided.
- F. If a person who is not a Minnesota resident enrolls in a school district online learning course or program that delivers instruction to the person only by computer and does not provide any teacher or instructor contact time or require classroom attendance, the person is not subject to the immunization, statement, and other requirements of this policy.

#### **IV. EXEMPTIONS FROM IMMUNIZATION REQUIREMENTS**

Students will be exempt from the foregoing immunization requirements under the following circumstances:

- A. The parent or guardian of a minor student or an emancipated student submits a signed medical statement affirming that the immunization of the student is contraindicated for medical reasons or that laboratory confirmation of the presence of adequate immunity exists; or
- B. The parent or guardian of a minor student or an emancipated student submits his or her notarized statement stating the student has not been immunized because of the conscientiously held beliefs of the parent, guardian or student.

#### **V. NOTICE OF IMMUNIZATION REQUIREMENTS**

- A. The school district will develop and implement a procedure to:
  - 1. notify parents and students of the immunization and exemption requirements by use of a form approved by the Department of Health;
  - 2. notify parents and students of the consequence for failure to provide required documentation regarding immunizations;
  - 3. review student health records to determine whether the required information has been provided; and
  - 4. make reasonable arrangements to send a student home when the immunization requirements have not been met and advise the student and/or

the student's parent or guardian of the conditions for re-enrollment.

[See Attachments A, B, C, and D.]

- B. The notice provided shall contain written information describing the exemptions from immunization as permitted by law. The notice shall be in a font size at least equal to the font size and style as the immunization requirements and on the same page as the immunization requirements.

## VI. IMMUNIZATION RECORDS

- A. The school district will maintain a file containing the immunization records for each student in attendance at the school district for at least five years after the student attains the age of majority.
- B. Upon request, the school district may exchange immunization data with persons or agencies providing services on behalf of the student. Immunization data is private student data and disclosure of such data shall be governed by Policy 515 Protection and Privacy of Pupil Records.
- C. The designated school district administrator will assist a student and/or the student's parent or guardian in the transfer of the student's immunization file to the student's new school within 30 days of the student's transfer.
- D. Upon request of a public or private post-secondary educational institution, the designated school district administrator will assist in the transfer of the student's immunization file to the post-secondary educational institution.

## VII. OTHER

Within 60 days of the commencement of each new school term, the school district will forward a report to the Commissioner of the Department of Education stating the number of students attending each school in the school district, including the number of students receiving instruction in a home school, the number of students who have not been immunized, and the number of students who received an exemption. The school district also will forward a copy of all exemption statements received by the school district to the Commissioner of the Department of Health.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)

Minn. Stat. § 121A.15 (Health Standards; Immunizations; School Children)

Minn. Stat. § 121A.17 (School Board Responsibilities)

Minn. Stat. § 144.29 (Health Records; Children of School Age)

Minn. Stat. § 144.3351 (Immunization Data)

Minn. Stat. § 144.441 (Tuberculosis Screening in Schools)

Minn. Stat. § 144.442 (Testing in Schools)

Minn. Rules Parts 4604.0100-4604.1000 (Immunization)

*McCarthy v. Ozark Sch. Dist.*, 359 F.3d 1029 (8<sup>th</sup> Cir. 2004)

Op. Atty. Gen. 169-W (July 23, 1980)  
Op. Atty. Gen. 169-W (Jan. 17, 1968)

***Cross References:*** MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Policy Adopted: May 2003

Reviewed July 2006, reviewed January 2013, revised February 2020

Independent School District 110

Waconia, MN

8.A.7. 533 Wellness

**Presenter:** Sara  
Eischens, District  
Health Coordinator

Adopted: \_\_\_\_\_

Revised: \_\_\_\_\_

MSBA/MASA Model Policy 533  
Orig. 2005  
Rev. 20~~22~~16

## 533 WELLNESS

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

### I. PURPOSE

The purpose of this policy is to set forth methods that promote student wellness, prevent and reduce childhood obesity, and assure that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum local, state, and federal standards.

### II. GENERAL STATEMENT OF POLICY

- A. The school board recognizes that nutrition promotion and education, physical activity, and other school-based activities that promote student wellness are essential components of the educational process and that good health fosters student attendance and learning.
- B. The school environment should promote students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. The school district encourages the involvement of parents, students, representatives of the school food authority, teachers, school health professionals, the school board, school administrators, and the general public in the development, implementation, and periodic review and update of the school district's wellness policy.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- F. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

### III. WELLNESS GOALS

***[Note: The Act requires that wellness policies include goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness.]***

#### A. Nutrition Promotion and Education

1. The school district will encourage and support healthy eating by students and engage in nutrition promotion that is:
  - a. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
  - b. part of health education classes, as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and
  - c. enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
2. The school district will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte/snack lines, vending machines, fundraising events, concession stands, and student stores.

#### B. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health and physical education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities, such as watching television;
2. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and
3. Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

#### C. Communications with Parents

1. The school district recognizes that parents and guardians have a primary role in promoting their children's health and well-being.
2. The school district will support parents' efforts to provide a healthy diet and daily physical activity for their children.
3. The school district encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
4. The school district will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

#### IV. STANDARDS AND NUTRITION GUIDELINES

~~**[Note: The Act requires that school districts have standards, selected by the school district, for all foods available on the school campus during the school day with the objective of promoting student health and reducing childhood obesity. For foods and beverages sold to students during the school day on school campus, the Act requires that school districts also have nutrition guidelines.]**~~

##### A. School Meals

~~**[Note: The Act specifically requires that the wellness policy contain standards and nutrition guidelines for all foods and beverages sold to students during the school day that are consistent with the meal requirements for lunches and after-school snacks set forth in 7 Code of Federal Regulations section C.F.R. § 210.10 and the meal requirements for breakfasts set forth in Code of Federal Regulations section 7 C.F.R. § 220.8.]**~~

1. The school district will provide healthy and safe school meal programs that comply with all applicable federal, state, and local laws, rules, and regulations.
2. Food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.
3. Food service personnel will try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.
4. Food service personnel will provide clean, safe, and pleasant settings and adequate time for students to eat.
5. Food service personnel will take every measure to ensure that student access to foods and beverages meets or exceeds all applicable federal, state, and local laws, rules, and regulations and that reimbursable school meals meet USDA nutrition standards.
6. Food service personnel shall adhere to all applicable federal, state, and local food safety and security guidelines.
7. The school district will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
8. The school district will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
9. The school district will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
10. The school district will discourage tutoring, club, or organizational meetings or activities during mealtimes unless students may eat during such activities.

##### B. School Food Service Program/Personnel

1. The school district shall designate an appropriate person to be responsible for the school district's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA guidelines.

2. As part of the school district's responsibility to operate a food service program, the school district will provide continuing professional development for all food service personnel in schools.

C. Competitive Foods and Beverages

1. All foods and beverages sold on school grounds to students, outside of reimbursable meals, are considered "competitive foods." Competitive foods include items sold a la carte in the cafeteria, from vending machines, school stores, and for in-school fundraisers.
2. All competitive foods will meet the USDA Smart Snacks in School (Smart Snacks) nutrition standards and any applicable state nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.
3. Before and Aftercare (child care) programs must also comply with the school district's nutrition standards unless they are reimbursable under USDA school meals program, in which case they must comply with all applicable USDA standards.

D. Other Foods and Beverages Made Available to Students

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus, including those foods provided through:
  - a. Celebrations and parties. The school district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.  
  
***[Note: Healthy party ideas are available from the USDA.]***
  - b. Classroom snacks brought by parents. The school district will provide to parents a list of suggested foods and beverages that meet Smart Snacks nutrition standards.
2. Rewards and incentives. Schools will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.
3. Fundraising. The school district will make available to parents and teachers a list of suggested healthy fundraising ideas.

E. Food and Beverage Marketing in Schools

1. School-based marketing will be consistent with nutrition education and health promotion.
2. Schools will restrict food and beverages marketing to the promotion of only those foods and beverages that meet the Smart Snacks nutrition standards.

**V. WELLNESS LEADERSHIP AND COMMUNITY INVOLVEMENT**

A. Wellness Coordinator

***~~[Note: The Act requires that local school wellness policies identify the position of the local education agency or school official(s) responsible for the implementation and oversight of the local school wellness policy.]~~***

1. The superintendent will designate a school district official to oversee the school district's wellness-related activities (Wellness Coordinator). The Wellness Coordinator will ensure that each school implements the policy.
2. The principal of each school, or a designated school official, will ensure compliance within the school and will report to the Wellness Coordinator regarding compliance matters upon request.

B. Public Involvement

**~~[Note: The Act requires a description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy.]~~**

1. The Wellness Coordinator will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the wellness policy.
2. The Wellness Coordinator will hold meetings, from time to time, for the purpose of discussing the development, implementation, and periodic review and update of the wellness policy. All meeting dates and times will be posted on the school district's website and will be open to the public.

## VI. POLICY IMPLEMENTATION AND MONITORING

A. Implementation and Publication

**~~[Note: The Act requires a description of the plan for measuring the implementation of the local school wellness policy.]~~**

1. After approval by the school board, the wellness policy will be implemented throughout the school district.
2. The school district will post its wellness policy on its website, to the extent it maintains a website.

**~~[Note: Per Minnesota Statutes section, Stat. § 121A.215, when available, a school district must post its current local school wellness policy on its website.]~~**

B. Annual Reporting

**~~[Note: The Act requires that school districts inform the public about the content and implementation of the local wellness policy and make the policy and any updates to the policy available to the public on an annual basis.]~~**

The Wellness Coordinator will annually inform the public about the content and implementation of the wellness policy and make the policy and any updates to the policy available to the public.

C. Triennial Assessment

**~~[Note: The Act requires a triennial assessment of schools' compliance with the wellness policy. The Act also requires school districts to inform the public~~**

**~~about progress toward meeting the goals of the wellness policy by making the triennial assessment available to the public in an accessible and easily understood manner.]~~**

1. At least once every three years, the school district will evaluate compliance with the wellness policy to assess the implementation of the policy and create a report that includes the following information:
  - a. the extent to which schools under the jurisdiction of the school district are in compliance with the wellness policy;
  - b. the extent to which the school district's wellness policy compares to model local wellness policies; and
  - c. a description of the progress made in attaining the goals of the school district's wellness policy.
2. The Wellness Coordinator will be responsible for conducting the triennial assessment.
3. The triennial assessment report shall be posted on the school district's website or otherwise made available to the public.

D. Recordkeeping

**~~[Note: The Act requires school districts to retain records to document compliance with the requirements of 7 Code of Federal Regulations section C.F.R. § 210.30.]~~**

The school district will retain records to document compliance with the requirements of the wellness policy. The records to be retained include, but are not limited to:

1. The school district's written wellness policy.
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public.
3. Documentation of the triennial assessment of the local school wellness policy for each school under the school district's jurisdiction efforts to review and update the wellness policy (including an indication of who is involved in the update and methods the school district uses to make stakeholders aware of their ability to participate on the Wellness Committee).

**Legal References:** Minn. Stat. § 121A.215 (Local School District Wellness Policy; [Website](#))  
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
42 U.S.C. § 1758b (Local School Wellness Policy)  
42 U.S.C. § 1771 *et seq.* (Child Nutrition Act ~~of 1966~~)  
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)  
7 C.F.R. § 210.10 (School Lunch Program Regulations)  
7 C.F.R. § 220.8 (School Breakfast Program Regulations)

**Local Resources:** Minnesota Department of Education, [www.education.state.mn.us](http://www.education.state.mn.us)  
Minnesota Department of Health, [www.health.state.mn.us](http://www.health.state.mn.us)  
County Health Departments  
Action for Healthy Kids Minnesota, [www.actionforhealthykids.org](http://www.actionforhealthykids.org)  
United States Department of Agriculture, [www.fns.usda.gov](http://www.fns.usda.gov)

## 533 WELLNESS

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

### I. PURPOSE

The purpose of this policy is to set forth methods that promote student wellness, prevent and reduce childhood obesity, and assure that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum local, state, and federal standards.

### II. GENERAL STATEMENT OF POLICY

- A. The school board recognizes that nutrition promotion and education, physical activity, and other school-based activities that promote student wellness are essential components of the educational process and that good health fosters student attendance and learning.
- B. The school environment should promote students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. The school district encourages the involvement of parents, students, representatives of the school food authority, teachers, school health professionals, the school board, school administrators, and the general public in the development, implementation, and periodic review and update of the school district's wellness policy.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.

- F. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

### III. WELLNESS GOALS

*[Note: The Act requires that wellness policies include goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness.]*

#### A. Nutrition Promotion and Education

1. The school district will encourage and support healthy eating by students and engage in nutrition promotion that is:
  - a. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
  - b. part of health education classes, as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and
  - c. enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
2. The school district will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte/snack lines, vending machines, fundraising events, concession stands, and student stores.

#### B. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health and physical education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities, such as watching television;
2. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and

3. Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

C. Communications with Parents

1. The school district recognizes that parents and guardians have a primary role in promoting their children's health and well-being.
2. The school district will support parents' efforts to provide a healthy diet and daily physical activity for their children.
3. The school district encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
4. The school district will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

IV. **STANDARDS AND NUTRITION GUIDELINES**

***[Note: The Act requires that school districts have standards, selected by the school district, for all foods available on the school campus during the school day with the objective of promoting student health and reducing childhood obesity. For foods and beverages sold to students during the school day on school campus, the Act requires that school districts also have nutrition guidelines.]***

A. School Meals

***[Note: The Act specifically requires that the wellness policy contain standards and nutrition guidelines for all foods and beverages sold to students during the school day that are consistent with the meal requirements for lunches and after-school snacks set forth in 7 C.F.R. § 210.10 and the meal requirements for breakfasts set forth in 7 C.F.R. § 220.8.]***

1. The school district will provide healthy and safe school meal programs that comply with all applicable federal, state, and local laws, rules, and regulations.
2. Food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.
3. Food service personnel will try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.

4. Food service personnel will provide clean, safe, and pleasant settings and adequate time for students to eat.
5. Food service personnel will take every measure to ensure that student access to foods and beverages meets or exceeds all applicable federal, state, and local laws, rules, and regulations and that reimbursable school meals meet USDA nutrition standards.
6. Food service personnel shall adhere to all applicable federal, state, and local food safety and security guidelines.
7. The school district will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
8. The school district will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
9. The school district will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
10. The school district will discourage tutoring, club, or organizational meetings or activities during mealtimes unless students may eat during such activities.

**B. School Food Service Program/Personnel**

1. The school district shall designate an appropriate person to be responsible for the school district's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA guidelines.
2. As part of the school district's responsibility to operate a food service program, the school district will provide continuing professional development for all food service personnel in schools.

**C. Competitive Foods and Beverages**

1. All foods and beverages sold on school grounds to students, outside of reimbursable meals, are considered "competitive foods." Competitive foods include items sold a la carte in the cafeteria, from vending machines, school stores, and for in-school fundraisers.
2. All competitive foods will meet the USDA Smart Snacks in School (Smart Snacks) nutrition standards and any applicable state nutrition standards, at

a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.

3. Before and Aftercare (child care) programs must also comply with the school district's nutrition standards unless they are reimbursable under USDA school meals program, in which case they must comply with all applicable USDA standards.

D. Other Foods and Beverages Made Available to Students

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus, including those foods provided through:
  - a. Celebrations and parties. The school district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.

*[Note: Healthy party ideas are available from the USDA.]*

- b. Classroom snacks brought by parents. The school district will provide to parents a list of suggested foods and beverages that meet Smart Snacks nutrition standards.
2. Rewards and incentives. Schools will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.
3. Fundraising. The school district will make available to parents and teachers a list of suggested healthy fundraising ideas.

E. Food and Beverage Marketing in Schools

1. School-based marketing will be consistent with nutrition education and health promotion.
2. Schools will restrict food and beverages marketing to the promotion of only those foods and beverages that meet the Smart Snacks nutrition standards.

V. **WELLNESS LEADERSHIP AND COMMUNITY INVOLVEMENT**

A. Wellness Coordinator

***[Note: The Act requires that local school wellness policies identify the position of the local education agency or school official(s) responsible for the implementation and oversight of the local school wellness policy.]***

1. The superintendent will designate a school district official to oversee the school district's wellness-related activities (Wellness Coordinator). The Wellness Coordinator will ensure that each school implements the policy.
2. The principal of each school, or a designated school official, will ensure compliance within the school and will report to the Wellness Coordinator regarding compliance matters upon request.

**B. Public Involvement**

***[Note: The Act requires a description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy.]***

1. The Wellness Coordinator will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the wellness policy.
2. The Wellness Coordinator will hold meetings, from time to time, for the purpose of discussing the development, implementation, and periodic review and update of the wellness policy. All meeting dates and times will be posted on the school district's website and will be open to the public.

**VI. POLICY IMPLEMENTATION AND MONITORING**

**A. Implementation and Publication**

***[Note: The Act requires a description of the plan for measuring the implementation of the local school wellness policy.]***

1. After approval by the school board, the wellness policy will be implemented throughout the school district.
2. The school district will post its wellness policy on its website, to the extent it maintains a website.

***[Note: Per Minn. Stat. § 121A.215, when available, a school district must post its current local school wellness policy on its website.]***

B. Annual Reporting

***[Note: The Act requires that school districts inform the public about the content and implementation of the local wellness policy and make the policy and any updates to the policy available to the public on an annual basis.]***

The Wellness Coordinator will annually inform the public about the content and implementation of the wellness policy and make the policy and any updates to the policy available to the public.

C. Triennial Assessment

***[Note: The Act requires a triennial assessment of schools' compliance with the wellness policy. The Act also requires school districts to inform the public about progress toward meeting the goals of the wellness policy by making the triennial assessment available to the public in an accessible and easily understood manner.]***

1. At least once every three years, the school district will evaluate compliance with the wellness policy to assess the implementation of the policy and create a report that includes the following information:
  - a. the extent to which schools under the jurisdiction of the school district are in compliance with the wellness policy;
  - b. the extent to which the school district's wellness policy compares to model local wellness policies; and
  - c. a description of the progress made in attaining the goals of the school district's wellness policy.
2. The Wellness Coordinator will be responsible for conducting the triennial assessment.
3. The triennial assessment report shall be posted on the school district's website or otherwise made available to the public.

D. Recordkeeping

***[Note: The Act requires school districts to retain records to document compliance with the requirements of 7 C.F.R. § 210.30.]***

The school district will retain records to document compliance with the requirements of the wellness policy. The records to be retained include, but are not limited to:

1. The school district's written wellness policy.
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public.
3. Documentation of the triennial assessment of the local school wellness policy for each school under the school district's jurisdiction efforts to review and update the wellness policy (including an indication of who is involved in the update and methods the school district uses to make stakeholders aware of their ability to participate on the Wellness Committee).

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

**Local Resources:** Minnesota Department of Education, [www.education.state.mn.us](http://www.education.state.mn.us)  
Minnesota Department of Health, [www.health.state.mn.us](http://www.health.state.mn.us)  
County Health Departments  
Action for Healthy Kids Minnesota, [www.actionforhealthykids.org](http://www.actionforhealthykids.org)  
United States Department of Agriculture, [www.fns.usda.gov](http://www.fns.usda.gov)

POLICY ADOPTED: JULY 2006  
Revised: November 2013 / June 2021

Independent School District No. 110  
Waconia, MN

9. **BOARD COMMITTEE REPORTS**

9.A. Self-Governance & Superintendent Relations  
Committee

9.B. Finance & Facilities Committee

9.C. Policy & Advocacy Committee

9.D. District 110 Advisory Council

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

9.F. Southwest Metro Intermediate District 288  
Representative

9.G. MSHSL Representative

9.H. Special Education Advisory Council

9.I. Community Education Advisory Council  
Representative

9.J. Teaching & Learning Advisory Council  
Representative

9.K. Chemical Abuse Advisory Council/HERO's

9.L. City of Waconia Liaison

10. **ADJOURNMENT**